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LEGISLATIVE HISTORY
Public Law 87-852
H. R. 8355

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INDEX AND SUMMARY OF H. R. 8355

July 26, 1961	Rep. Buckley introduced H. R. 8355 which was referred to the House Public Works Committee. Print of bill as introduced.
Aug. 10, 1961	House subcommittee voted to report.
Aug. 15, 1961	House committee voted to report H. R. 8355.
Aug. 28, 1961	House committee reported H. R. 8355 with amendment. H. Report No. 1044. Print of bill and report.
Sept. 6, 1961	House passed over H. R. 8355 without prejudice.
Sept. 18, 1961	House passed over without prejudice.
Feb. 5, 1962	House passed H. R. 8355 with amendment.
Feb. 6, 1962	H. R. 8355 was referred to the Senate Public Works Committee.
Apr. 26, 1962	Senate committee voted to report H. R. 8355.
Apr. 27, 1962	Senate committee reported H. R. 8355 with amendment. S. Report No. 1364. Print of bill and report.
May 17, 1962	Senate passed over H. R. 8355.
Aug. 28, 1962	Sen. Cooper submitted a proposed amendment.
Sept. 7, 1962	Senate passed H. R. 8355 with amendment.
Oct. 10, 1962	House concurred in Senate amendment to H. R. 8355.
Oct. 23, 1962	Approved: Public Law 87-852.

DIGEST OF PUBLIC LAW 87-852

GRANT OF EASEMENTS OVER FEDERAL PROPERTY. Authorizes heads of executive agencies having control over real property of the U.S. to grant, for a right-of-way or other purpose, such easements in, over, or upon such real property, to a State, political subdivision, or agency thereof, or any person, with or without monetary or other consideration, as the head of the agency determines will not be adverse to the interests of the U.S., subject to necessary reservations, terms, or conditions. Also, authorizes relinquishment to the State in which the affected real property is located such legislative jurisdiction over such lands as the executive agency deems necessary or desirable. (U.S. public lands are excluded and this authority does not apply to National Forest lands.)

PUBLIC BUILDINGS BILLS—1961

(No. 87-9)

U. S. DEPARTMENT OF AGRICULTURE
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HEARING BEFORE THE SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS OF THE COMMITTEE ON PUBLIC WORKS HOUSE OF REPRESENTATIVES EIGHTY-SEVENTH CONGRESS

FIRST SESSION

ON

H.R. 3019

A BILL TO PROVIDE FOR THE CONSTRUCTION OF A FIREPROOF ANNEX BUILDING FOR USE OF THE GOVERNMENT PRINTING OFFICE, AND FOR OTHER PURPOSES

S. 541

AN ACT TO AMEND THE ACT OF JUNE 1, 1948 (62 STAT. 281), TO EMPOWER THE ADMINISTRATOR OF GENERAL SERVICES TO APPOINT NONUNIFORMED SPECIAL POLICEMEN

H.R. 7477

A BILL TO REPEAL SECTION 409 OF THE PUBLIC BUILDINGS ACT OF 1949, REQUIRING THE SUBMISSION OF A REPORT TO THE CONGRESS CONCERNING ELIGIBLE PUBLIC BUILDING PROJECTS

S. 931

AN ACT TO REPEAL THAT PART OF THE ACT OF MARCH 2, 1889, AS AMENDED, WHICH REQUIRES THAT GRANTORS FURNISH, FREE OF ALL EXPENSES TO THE GOVERNMENT, ALL REQUISITE ABSTRACTS, OFFICIAL CERTIFICATIONS AND EVIDENCES OF TITLE

H.R. 8303 and H.R. 8357

BILLS TO AMEND THE ACT ENTITLED "AN ACT FOR THE ORGANIZATION, IMPROVEMENT, AND MAINTENANCE OF THE NATIONAL ZOOLOGICAL PARK"

H.R. 8355

A BILL TO AUTHORIZE EXECUTIVE AGENCIES TO GRANT EASEMENTS IN, OVER, OR UPON REAL PROPERTY OF THE UNITED STATES UNDER THE CONTROL OF SUCH AGENCIES, AND FOR OTHER PURPOSES

H.R. 8356

A BILL TO AUTHORIZE REIMBURSEMENT TO OWNERS AND TENANTS OF CERTAIN LANDS OR INTERESTS THEREIN ACQUIRED BY THE UNITED STATES FOR CERTAIN MOVING EXPENSES AND LOSSES AND DAMAGES, AND FOR OTHER PURPOSES

H.J. Res. 500

JOINT RESOLUTION TO AUTHORIZE THE ARCHITECT OF THE CAPITOL TO CONSTRUCT A MEMORIAL TO JAMES MADISON, AND FOR OTHER PURPOSES

AUGUST 10, 1961

Printed for the use of the Committee on Public Works

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1961

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(b) Any proceeding for condemnation ordered under subsection (a) shall be conducted in accordance with the pertinent provisions of the Act entitled "An Act to provide for the acquisition of land in the District of Columbia for use in the United States", approved March 1, 1929 (16 D.C. Code, secs. 619-644).

(c) The Administrator of General Services is authorized to provide for the demolition and removal as expeditiously as possible of any buildings or other structures on, or constituting a part of, such real property as may be acquired under, or made available for the purpose of this Act.

(d) The Administrator of General Services is authorized to cause the building herein provided for to be constructed pursuant to the applicable provisions of the Public Buildings Act of 1959 (73 Stat. 479), but without regard to the requirements of sections 7 and 8 (a) thereof.

SEC. 3. There is hereby authorized to be appropriated to the Government Printing Office such sums as may be necessary to carry out the purposes of this Act, and such sums may be available for transfer to the Administrator of General Services to remain available until expended.

Mr. JONES. We reported a bill out of the committee on that last year, I believe. There was objection raised by the Appropriations Committee, making it necessary for a redrafting of the bill, but we did not have time to reconsider the proposition in proper form to save it from objection or points of order that would have been raised by the Appropriations Committee. The bill is now drafted in regular order.

We now have Mr. James L. Harrison, Public Printer, Government Printing Office, and Mr. Bernard L. Boutin, Deputy Administrator of the General Services Administration.

Mr. Harrison, would you like to come forward and make a justification? Would you have a seat, please?

We are glad to have you, Mr. Harrison. I know this has been a hard row for you to hoe. You have been uphill and downhill several times on it.

STATEMENT OF JAMES L. HARRISON, PUBLIC PRINTER, GOVERNMENT PRINTING OFFICE

Mr. HARRISON. Yes, sir; that is true, but I wish to express my appreciation for the opportunity to appear before you again and make a further statement concerning H.R. 3019, which, as you said, was introduced in the House by Congressman Burleson.

The bill, if enacted into law, would facilitate the printing and binding operations our Office performs for the U.S. Government, and result in a more economical and efficient operation.

On July 23, 1956, the Joint Committee on Printing wrote to the Public Printer and stated that it was the consensus of opinion of the members of the committee that there is an urgent need to find ways and means to provide facilities that will be more readily available and economical than those now being used for the storage of paper by the Government Printing Office, and asked him to make a study of expanding our present warehouse facilities sufficiently to take care of all of our storage needs. In order to meet our storage requirements, the Joint Committee had previously authorized us to rent 173,000 square feet of space in the Parr-Franconia warehouse at Franconia, Va., which is approximately 15 miles south of Washington on Shirley Highway.

A committee of Government Printing Office officials was appointed to study our storage needs and to develop the most economical and efficient means of providing all of the warehouse space needed by the Office. An extensive study was made at that time by the committee and recommendations for the annex were submitted as now provided in H.R. 3019. The matter was also referred to the Comptroller General for study and a favorable report was received, indicating that the project was in accord with the needs of the Government and would lead to both monetary savings and intangible benefits in improved service. The Commissioner of Public Buildings likewise reviewed these general recommendations and developed a preliminary report, sketches, and estimates.

Our need for the addition of a fireproof annex building is further emphasized by the roof collapse of the warehouse space we are renting at Franconia on February 15, 1961, which ruined about \$55,000 worth of paper and caused disruption to production and delivery schedules.

I have reviewed the study made by our officials and the General Accounting Office and firmly believe that the acquisition of a fireproof annex to the Government Printing Office will further increase our ability to serve the Government. I hope that your committee will find it possible to report favorably on H.R. 3019 in order that the way might be cleared for the construction of this new annex building.

I want to thank you for your interest in this matter and the courtesy which you have extended to us.

Mr. JONES. Mr. Harrison, what estimates have you made as to the annual savings that will accrue?

Mr. HARRISON. The annual savings, Mr. Jones, as I have noted in a supplemental report I sent up to the committee, are \$274,654. That is the actual dollars and cents we can put our finger on. There are many other savings which will be brought about, but which we are unable to place a dollar value on.

Mr. JONES. What is the distance from the Franconia warehouse to the building where the printing is done, Mr. Harrison?

Mr. HARRISON. It is about 15 miles. There are many intangible considerations. If you would like, I have a little listing here of some of them.

Under normal conditions, it takes approximately 2 hours to make a round trip from the central office to the Parr-Franconia warehouse. During the morning and evening rush hours, it is not unreasonable to assume that up to 4 hours would be required in the event of traffic tieups. This lost time would not be the case if the warehouse were adjacent to the central office. Our vehicles spend a considerable period of time moving back and forth to Franconia. As a result, they are constantly exposed to accidents, traffic jams, the hazards of night driving, and breakdowns. This means added mental and physical strain to the drivers, and extra wear, tear, and maintenance to the vehicles.

All of the above factors could create delays in effecting mechanical repairs to operating equipment, which can mean idle employees; delays in effecting deliveries to pressrooms, which means idle machinery and press crews; and delays in testing and formal release of stock, which involves a calculated risk if issued under emergency conditions.

The exposure of stock to radical temperature and humidity conditions, while it is in transit, could result in pressroom slowdowns or additional conditioning time.

We have experienced delivery and pickup delays during adverse weather conditions, causing additional hardships to our delivery and warehousing personnel.

Any of the above, or a combination thereof, can cause delays in the public printing and binding, and overtime in the planning and production processes.

The new warehouse facility would eliminate the double handling of stock and the inherent risks of accidents, damage to stock, timing, recordkeeping, and scheduling involved; and free delivery and warehousing personnel for other assignments.

We pay now a rental on the warehouse of \$149,828. Our labor costs for staffing the warehouse are \$60,487, or a total cost now of operating the Parr-Franconia warehousing operation of \$316,454. With this addition to our own building it would be reduced to about \$41,800.

Mr. JONES. Are there any questions?

In the prospectus there is an estimate of \$5,250,000. Have you made an examination of those figures?

STATEMENT OF BERNARD L. BOUTIN, DEPUTY ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION; ACCOMPANIED BY LAWSON B. KNOTT, DEPUTY COMMISSIONER, PUBLIC BUILDINGS SERVICE; J. H. MACOMBER, JR., GENERAL COUNSEL; HERBERT E. ANGEL, DIRECTOR OF ADMINISTRATION; ROBERT T. DAVIS, DIRECTOR OF LEGISLATION, GENERAL SERVICES ADMINISTRATION

Mr. BOUTIN. Yes, we have, Mr. Chairman.

Mr. JONES. Is the General Services Administration satisfied that they can construct the building for the amount carried in this prospectus?

Mr. BOUTIN. Yes, sir. Might I say also——

Mr. JONES. Are there any objections to placing the estimated cost in the bill, Mr. Boutin? There is no figure setting forth the estimated cost in this bill which would authorize the construction. Is there any objection to putting that amount in the bill?

Mr. BOUTIN. We would have no objection at all.

Mr. JONES. You have no objection.

Mr. BOUTIN. No.

Mr. JONES. Are there any further questions?

Mr. WRIGHT. No questions, Mr. Chairman.

Mr. JONES. Would you consider the amount of the estimated cost of the building carried in the report to be binding on the General Services Administration to stay within the dollar limitations?

Mr. BOUTIN. I don't think that there is any question, Mr. Chairman, but what we can definitely stay within the amount specified.

Mr. JONES. I say, if we put the dollar amounts in the bill that are in the report, would it be the General Services Administration's opinion that they had to stay within the confines of that dollar limit?

Mr. BOUTIN. Yes, sir.

Mr. JONES. Are there any further questions?

[No response.]

Mr. JONES. We will proceed to S. 541, the Senate bill of Senator McClellan, to empower the Administrator of the General Services Administration to appoint nonuniformed special policemen.

(S. 541 follows:)

[S. 541, 87th Cong., 1st sess.]

A BILL To amend the Act of June 1, 1948 (62 Stat. 281), to empower the Administrator of General Services to appoint nonuniformed special policemen

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 1, 1948 (62 Stat. 281), is amended by adding at the end thereof the following new section:

"SEC. 5. Officials or employees of the General Services Administration who have been duly authorized to perform investigative functions may be empowered by the Administrator of General Services, or officials of General Services Administration duly authorized by him, to act as nonuniformed special policemen in order to protect property under the charge and control of the General Services Administration and to carry firearms, whether on Federal property or in travel status. Such officials or employees who are empowered to act as nonuniformed special policemen shall have, while on real property under the charge and control of the General Services Administration, the power to enforce Federal laws for the protection of persons and property and the power to enforce rules and regulations made and published for such purposes by the Administrator or duly authorized officials of the General Services Administration. Any such special policeman may make arrests without warrant for any offense committed upon such property if he has reasonable ground to believe (1) the offense constitutes a felony under the laws of the United States, and (2) that the person to be arrested is guilty of that offense."

Passed the Senate May 26, 1961.

Attest:

FELTON M. JOHNSTON, *Secretary*.

Mr. JONES. Mr. Boutin, would you give a statement on the need for such legislation?

Mr. BOUTIN. Mr. Chairman and members of the committee we feel that there is a definite need, in order for the General Services Administration properly to carry out its functions, for the enactment of this bill.

I could cite just one example, which I think illustrates the need. That was the gambling activities on the part of, unfortunately, some General Services Administration employees over in the Pentagon where, if we had had nonuniformed police, this could have been stopped before it was. With only uniformed men it is difficult to work out. If we had had nonuniformed men I am sure we would have been able to stop this long before.

We have with us our Director of Administration, under whose jurisdiction this falls. If I may, Mr. Chairman, I would like to call on Mr. Herb Angel to offer justification for this legislation.

Mr. JONES. Mr. Angel.

Mr. ANGEL. Thank you, Mr. Chairman.

The General Services Administration has authority for its uniformed guards and for its nonuniformed compliance agents to serve as special policemen within the District of Columbia. It has such authority for its uniformed guards outside of the District of Columbia, but not for our agents who are not in uniform. This makes it difficult for us to protect Government property adequately and to enforce Federal laws adequately in areas where the General Services Administration has police authority outside of the District of

Columbia, particularly close-by places; for example, in places like the Pentagon, or over at Suitland, Md., or other nearby installations. This bill would make it possible for our men to keep suspects under surveillance, and, if they detected them in a crime, to arrest them while they had the evidence in their possession. As it is now, our men have to run the risk of making a citizen's arrest, which, as you know, is somewhat hazardous; or not making an arrest at all.

Mr. JONES. What is the legal restriction in existing law prohibiting you from making the appointment of special nonuniformed police?

Mr. BOUTIN. Our authorization, Mr. Chairman, is limited to uniformed police outside the District. Inside the District we have no problem at all.

Mr. JONES. That is contained under the General Services Administration Act. Is this an amendment to that act?

Mr. ANGEL. It is an amendment, sir, to the act of June 1, 1948 (62 Stat. 281).

Mr. JONES. Are there any questions?

Mr. KING. If a bill of this character were to be passed, I notice it gives the authority to "carry firearms, whether on Federal property or in travel status." Does that mean outside of the District?

Mr. ANGEL. Yes, sir.

Mr. BOUTIN. That would be outside the District.

Mr. KING. How about running into State laws that prohibit the carrying of firearms without a permit?

Mr. ANGEL. We have not encountered that difficulty in connection with our uniformed guards.

Mr. KING. If they were nonuniformed guards—what about that?

Mr. BOUTIN. Mr. Macomber.

Mr. MACOMBER. That is the purpose of that special provision—to obviate difficulties with State laws which would prohibit the carrying of firearms. If they are authorized under Federal law to do so in the performance of their duties they will not be subject to the prohibition of State law.

Mr. KING. Otherwise they would be?

Mr. MACOMBER. Yes, sir.

Mr. KING. All right. I see. Thank you.

Mr. JONES. Are there any further questions?

(No response.)

Mr. JONES. Thank you, gentlemen.

The next bill is H.R. 7477, by Mr. Buckley, at the request of the General Services Administration, to repeal section 409 of the Public Buildings Act of 1949, requiring the submission of a report to the Congress concerning eligible public building projects.

(H.R. 7477 follows:)

[H.R. 7477, 87th Cong., 1st sess.]

A BILL To repeal section 409 of the Public Buildings Act of 1949, requiring the submission of a report to the Congress concerning eligible public building projects

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 409 of the Public Buildings Act of 1949 (40 U.S.C. 355) is hereby repealed.

Mr. BOUTIN. Mr. Chairman, may I call on Lawson Knott to offer the justification for this?

Mr. JONES. Mr. Knott.

Mr. KNOTT. Thank you, Mr. Chairman.

The purpose of this bill is specifically to repeal a provision of the 1949 Public Buildings Act which required the submission of reports by the General Services Administrator and the Postmaster General to the Congress each year on eligible public buildings projects. With the passage of the 1959 Public Buildings Act, a procedural charter has been established whereby the requirements for these agencies as well as other Federal agencies for their public buildings needs are submitted by prospectus to the committees and acted upon by the committees. We think that this takes the place of that report.

Furthermore, the Public Buildings Act of 1949 requires that a report be made annually on the progress of projects which have been approved. So within the framework of the 1959 act the need for buildings is reported to the committee and the progress of construction of buildings is also reported. Therefore we do not think this 1940 reporting requirement needs to be continued.

Mr. JONES. Are there any questions?

(No response.)

Mr. JONES. We have two resolutions before us now, H.R. 8357, by our distinguished colleague, Mr. Cannon, and H.R. 8303, by Representative Bow, which are identical. Both of these colleagues are members of the Board of Regents of the Smithsonian Institution. Mr. Chairman, we are delighted to have you with us today. We have always been aware of your great interest in the Smithsonian and its progress, welfare, and development, and we are all indebted to you for your industry and the great care you have given it.

(H.R. 8357 follows:)

[H.R. 8357, 87th Cong., 1st sess.]

A BILL To amend the Act entitled "An Act for the organization, improvement, and maintenance of the National Zoological Park"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of April 30, 1890, entitled "An Act for the organization, improvement, and maintenance of the National Zoological Park" (20 U.S.C. 81), is amended by inserting immediately after "administer" the following: "and improve."

STATEMENT OF HON. CLARENCE CANNON, A MEMBER OF CONGRESS FROM THE STATE OF MISSOURI

Mr. CANNON. Mr. Chairman, I deeply appreciate that tribute.

The bill H.R. 8357 is a bill to amend the act entitled "An act for the organization, improvement, and maintenance of the National Zoological Park."

Mr. Chairman, if I might be permitted to digress a minute. Among the many changes which you and I have seen here in Washington, and one of the most important changes, is the great influx of schoolchildren, as well as other visitors, to our downtown area and the Capitol. The number of visitors to our National Capital is increasing at a tremendous rate. When I first came here a number of years ago we hardly ever saw anybody from back in the interior. Hardly anybody from home ever came here. Now they are coming

in increasing numbers, to the point where when I had to go to the Senate just this last week I could hardly get through the rotunda. There were such great crowds of schoolchildren over there.

I might say that, speaking of Champ Clark, when he was here he facetiously remarked one time that he proposed to introduce a bill under which the Government would pay the cost of one trip to Washington, the National Capital, for every single citizen. He said he thought their coming here and seeing the Capitol would make better citizens of them. Unquestionably I think that these visits to Washington, especially by the schoolchildren all over the country, has a very salutary influence. The statistics show that when these visitors come to Washington, all visitors including the children, the greatest number come to visit the Capitol. They go through the Capitol. The next largest number visits the Smithsonian Institution. Down the line somewhere is the Library of Congress.

When I first came to Washington, the Library of Congress was the fourth library in the world. It has increased in volume and service until it is today the first library in the world.

By way of digression, our visitors, especially our schoolchildren, should be encouraged to go to this great library—this great American institution—the greatest of its kind on the globe. But the statistics show that the next greatest number after those who visited the Capitol are those who visited the Smithsonian Institution, and among others the Zoological Park, which has been for many years under the Smithsonian Institution, and which the Institution has been in a position to render great service to under its function of distribution of knowledge among men.

It has become evident, I think, to the most casual observer who has visited the Zoological Park recently—which is such an attraction not only to our national visitors but to the entire area—the Greater Washington area—that it is certainly in need of capital expenditures. So I merely wish to appear before this great committee today with the urgent suggestion that this obvious need be given careful consideration.

Thank you very much, Mr. Chairman.

Mr. JONES. Thank you very much, Mr. Cannon. We are always pleased to see the wonderful and delightful Dr. Carmichael. I think Dr. Carmichael has a special charm over this committee, because every time he appears he gets exactly what he wants.

Dr. Carmichael, won't you come around, please, sir? We won't keep you long, but just briefly can you explain to us the change of one word, I believe it is? Isn't that all the bill does?

STATEMENT OF DR. LEONARD CARMICHAEL, SECRETARY, SMITHSONIAN INSTITUTION

Dr. CARMICHAEL. That is correct, sir.

Mr. Chairman and members of the committee, I am happy to say that I can read to you with the approval of the Bureau of the Budget a brief page that I think will explain this completely.

Thank you for your request for the views and recommendations of the Smithsonian Institution on H.R. 8303 and H.R. 8357, bills to amend the act entitled "An act for the organization, improvement, and maintenance of the National Zoological Park."

The Board of Regents of the Smithsonian Institution on May 19, 1961, directed the Secretary to undertake a capital improvement program at the zoo, in annual stages over an appropriate period of time, to be financed as a part of the regular Federal budgetary program of the Institution.

This action recognized the need to improve present conditions at the zoo. These conditions are described briefly in the following paragraphs.

The police headquarters building (1956) is the only structure erected in the past 20 years. Its condition is satisfactory.

The office building (1805), lion house (1891), antelope house (1898), bear pits (1902-10), and monkey house (1906) should be replaced. The buildings are old, in poor condition, and obsolete as exhibition facilities.

The outdoor cages and other exhibit facilities are in fair physical condition but similarly are obsolete by any modern standard of good zoo practice, considering exhibition techniques, safety of the public, and well-being of the animals.

The bird house (1928-36), reptile house (1931), elephant house (1937), small mammal house (1937), and public restaurant (1941) are obsolescent, averaging 25 years of age, but can be rehabilitated. Generally, ventilation is poor, heating is not well controlled, lighting is inadequate, cages are small and deteriorating.

The electrical wiring and distribution system, the steam distribution system, and the boilers need replacement because of age and obsolescence. Sanitary and storm sewers similarly require rehabilitation and extension.

Parking facilities are grossly inadequate to handle the load on weekends during the most popular visiting season from April through October.

The existing east-west road from Connecticut Avenue to Harvard Street and the north-south road from Potomac Parkway to Rock Creek Park both carry heavy traffic through the zoo. This present traffic and road system creates a hazard to pedestrians, a police problem, and a major disruption of the natural habitat setting of the park.

The needs of the National Zoological Park include outdoor exhibit facilities and indoor exhibit and shelter facilities for the animals; roadways and parking facilities for visitor automobiles and buses; separation of automobile and pedestrian traffic; associated public service facilities; operational buildings; visitor transit system; and the related sewerage, heating, water, and electrical distribution systems. While it is true that the Congress since 1890 has from time to time appropriated funds for improvements at the National Zoological Park, no specific authorization for capital improvements has been enacted. We are advised that under current practices of the House of Representatives such an authorization is necessary to assure that appropriations for this purpose would not be subject to a point of order when under consideration by the House.

A perfecting amendment to section 2 of the act of April 30, 1890, is therefore recommended. This is the act placing the National Zoological Park under the direction of the Regents of the Smithsonian

Institution and authorizing the Regents to administer the zoo. The pertinent part of the act, section 2, would then read as follows:

SEC. 2. That the National Zoological Park is hereby placed under the direction of the Regents of Smithsonian Institution, who are authorized to transfer to it any living specimens, whether of animals or plants, now or hereafter in their charge, to accept gifts for the park at their discretion, in the name of the United States, to make exchanges of specimens, and to administer—

the new words are inserted hereafter—

and improve the said Zoological Park for the advancement of science and the instruction and recreation of the people. [Amendment is italicized.]

The program of improvements is proposed to be accomplished over a period of years in order that the National Zoological Park may be continued in daily operation without general disruption and also in recognition of national budgetary limitations. It is estimated that \$950,000 will be needed in 1963 and that varying annual amounts in the next 10-year period will be required for construction. This would accomplish a very significant improvement in the National Zoological Park in keeping with its statutory purpose since 1890, "for the advancement of science and the instruction and recreation of the people."

It is therefore urgently recommended that H.R. 8303 or the similar bill, H.R. 8357, be enacted by the Congress. H.R. 8357 is the bill to which Mr. Cannon referred in the testimony he just gave.

The Bureau of the Budget advises that there is no objection from the standpoint of the administration's program to the presentation of this report to the Congress.

Thank you very much, Mr. Chairman.

MR. JONES. Thank you, Dr. Carmichael. It is always a pleasure to have you.

DR. CARMICHAEL. It is a very great privilege to be here, sir.

MR. JONES. Our next bill is S. 931, to repeal that part of the act of March 2, 1889, as amended, which requires that grantors furnish, free of all expenses to the Government, all requisite abstracts, official certifications, and evidences of title.

(S. 931 follows:)

[S. 931, 87th Cong., 1st sess.]

A BILL To repeal that part of the Act of March 2, 1889, as amended, which requires that grantors furnish, free of all expenses to the Government, all requisite abstracts, official certifications and evidences of title

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in the third full paragraph on page 941 of volume 25 of the Statutes at Large, in the Act of March 2, 1889, as amended (40 U.S.C. 256), is hereby repealed.

STATEMENT OF BERNARD L. BOUTIN—Resumed

MR. BOUTIN. Again, Mr. Chairman, if I may defer to Mr. Knott and ask him to offer testimony on it.

MR. JONES. Mr. Knott.

MR. KNOTT. Mr. Chairman and members of the committee, the purpose of the bill is to repeal a proviso of the act of March 2, 1889, which provides that all legal services connected with the procurement of titles for sites for public buildings other than light stations and pier-head lights shall be rendered by U.S. attorneys, with the further proviso that in the procurement of such sites it shall be the duty of the Attorney General to request of the grantors in each case to furnish

free of all expense to the Government all requisite abstracts, official certifications, and evidences of title that the Attorney General may deem necessary.

If we point up the fact that this relates to public buildings only—this proviso which requires the Attorney General to require the grantor to furnish title evidence—then we can immediately see the purpose of this proposed legislation. We have a situation in which other Federal agencies of the Government acquire lands for various other purposes, such as military installations, and flood control reservoirs, and which involve substantial areas of land where they are empowered—and do, from year to year—ask for and receive appropriations to buy title evidence to proceed with the acquisition of land to meet their needs. In the single exception of public buildings—acquisition of sites for public buildings, the grantors are required to furnish the title evidence.

Mr. HARVEY. What do you mean by title evidence?

Mr. KNOTT. Abstracts of title or certificates of title. This has in many ways affected our ability to proceed expeditiously with the acquisition of title through voluntary agreements.

Mr. JONES. Just in the case of voluntary agreements?

Mr. KNOTT. Yes. And actually because this is a requirement in such cases it frequently results in the necessity to resort to condemnation proceedings, in which event the Attorney General may proceed without regard to this statute and procure the title evidence. So that in effect it constitutes a——

Mr. JONES. That is true in cases where the grantor is not able to show that the conveyances would be free of encumbrances.

Mr. KNOTT. That is right, sir. In all cases of acquisition of property by the Federal Government the Attorney General must render an opinion in favor of the validity of the title, so that he must have title evidence in all cases. That being the case, the Government either procures it or, in this single case, the grantor in a voluntary conveyance, provides the title evidence.

Mr. JONES. Do I understand you to say that the only exception to the general practice of the Federal Government doing this is in the acquisition of building sites?

Mr. KNOTT. That is right. That arose by a proviso in an appropriation act in 1889, in which there was some evidence in a particular case that there was a charge to the Government of some \$4,000 for title evidence, which was admittedly an exorbitant fee, and called for this proviso to be inserted at that time.

We do not think this would increase our acquisition costs substantially. It would enable us in a number of instances that we have encountered to accept donations of property without imposing a penalty on the grantor. We have actually had cases where a grantor was prepared to make a donation of an easement but in addition to receiving no compensation for his property he was required under this provision of the statute to spend \$400 or \$500 in order to make the donation to the Government.

Actually, we think in the total cost picture that this cost now being incurred by the grantor is in one way or another passed on to the Government through the price which he is asking. So if we are in a position to schedule our own timing in acquiring the title

evidence, we are in a position to control our program much better, and we think with no substantial increase in the cost to the Government.

Mr. JONES. Are there any questions?

Mr. HARVEY. I have only one question. That is, under normal procedure in the transfer of title, does not the grantor usually have the abstract and other evidence of title in his possession?

Mr. KNOTT. We will, as we have always done and will continue to do, always ask him for title evidence he may have, and we will take that title evidence and provide for any continuation certificates we need. It is often true that he has the title evidence.

Mr. HARVEY. At least in my experience it is always true that the grantor has it. My point is, it is silly for the U.S. Government to go out and purchase a new abstract when he already has it.

Mr. KNOTT. We would not have to do that. In my own experience in working with agencies of the Government where we could provide it, it was mandatory experience that we inquire of him if he has the title evidence, and we were quite often able to get it.

Mr. HARVEY. I have no further questions.

Mr. JONES. The next bill is H.R. 8355, by Mr. Buckley, which is a bill to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

(H.R. 8355 follows:)

[H.R. 8355, 87th Cong., 1st sess.]

A BILL To authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever a State or political subdivision or agency thereof or any person makes application for the grant of an easement in, over, or upon real property of the United States for a right-of-way or other purpose, the executive agency having control of such real property may grant to the applicant, on behalf of the United States, such easement as the head of such agency determines will not be adverse to the interests of the United States, subject to such reservations, exceptions, limitations, benefits, burdens, terms, or conditions, including those provided in section 2 hereof, as the head of the agency deems necessary to protect the interests of the United States. Such grant may be made without consideration, or with monetary or other consideration, including any interest in real property. In connection with the grant of such an easement, the executive agency concerned may relinquish to the State in which the affected real property is located such legislative jurisdiction as the executive agency deems necessary or desirable. Relinquishment of legislative jurisdiction under the authority of this Act may be accomplished by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof or by proceeding in such manner as the laws applicable to such State may provide.

SEC. 2. The instrument granting any such easement may provide for termination of the easement in whole or in part if there has been—

- (a) a failure to comply with any term or condition of the grant, or
- (b) a nonuse of the easement for a consecutive two-year period for the purpose for which granted, or
- (c) an abandonment of the easement.

If such a provision is included, it shall require that written notice of such termination shall be given to the grantee, or its successors or assigns. The termination shall be effective as of the date of such notice.

SEC. 3. The authority conferred by this Act shall be in addition to, and shall not affect or be subject to, any other law under which an executive agency may grant easements.

SEC. 4. As used in this Act—

(a) The term "State" means the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(b) The term "executive agency" means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

(c) The term "person" includes any corporation, partnership, firm, association, trust, estate, or other entity.

STATEMENT OF BERNARD L. BOUTIN—Resumed

Mr. BOUTIN. Mr. Chairman, may I ask Mr. Knott to do that, once again?

Mr. JONES. Mr. Knott.

Mr. KNOTT. Mr. Chairman and gentlemen. The purpose of this legislation is to place all Government agencies having control over property in the position of administering that property in the public interest by granting easements where it is necessary to do so, and where such action will not adversely affect the Government.

Mr. JONES. Will this bill cure the problem we had down in Macon, Ga., where we had a bill introduced by Mr. Vinson requiring us to grant an easement right for a highway or road on Federal property?

Mr. KNOTT. Yes, sir. There is statutory authority now but the difficulty with many of the statutes that exist now is that they are keyed to certain specific purposes. Those are specifically enumerated so that when the purpose of the grant is outside the scope of those specific purposes, or where new purposes are to be served, the existing statutes do not adequately cover them.

Mr. JONES. Let me ask you a further question. Suppose the executive agency was the Veterans' Administration and they wanted to grant an easement to Jefferson County. Could the Veterans' Administration under this authority grant to Jefferson County an easement over that property?

Mr. KNOTT. For highway and road purposes?

Mr. JONES. Yes.

Mr. KNOTT. Actually in the case you perhaps by chance selected, Mr. Chairman, the Veterans' Administration already has that authority specifically vested in the Administrator of the Veterans' Administration. So this statute would not replace any of those existing statutes. This would be in addition to any of the existing authority.

Mr. JONES. Give me an example of an agency that does not have that authority.

Mr. KNOTT. The General Services Administration does not have that authority, and it was for that reason we sponsored this legislation.

Mr. JONES. In other words, if you gave that authority you would have to have a special bill?

Mr. KNOTT. That's right.

Mr. JONES. As we had in the Georgia case?

Mr. KNOTT. There actually is authority through a device under the Federal Property Act. We could grant an easement, but we have to go through a procedural device within the framework of that statute in determining that that interest in the property we would grant is excess and then surplus to the Government's needs. This we think is straining the statute unnecessarily.

Mr. JONES. Why is the bill drafted to authorize executive agencies rather than to authorize the General Services Administration, if that is what it is to do?

Mr. KNOTT. Right, sir. I was about to point out that in the review process the Bureau of the Budget thought that while the General Services Administration has a need for this statute, it should be sufficiently broad to enable any other agency, such as the NASA, or any other agency having property under their control, to grant similar rights-of-way.

Mr. JONES. In other words, the Smithsonian Institution under this authority could grant easements and rights-of-way that they could not do if it were limited to the General Services Administration?

Mr. KNOTT. That would depend, I suppose, on the language used in here relating to an executive agency. I am not certain at this moment whether they qualify as an executive agency.

Mr. MACOMBER. I don't think that the Smithsonian is considered an executive agency, Mr. Jones. I would not be sure about that.

Mr. JONES. I see.

Mr. BOUTIN. This would actually give uniform authority, Mr. Chairman, which is now limited to a few agencies. It would make it uniform to all agencies.

Mr. KNOTT. Even the Department of Defense, which has a rather broad statute, would find occasions where this statute would take care of situations not covered by existing statutes. So would the Veterans' Administration. The Department of Justice has authority to grant rights-of-way for roadways across public properties.

Mr. JONES. But those are by special acts?

Mr. KNOTT. Those are by special acts.

Mr. JONES. Any questions?

Mr. BASS. What is the present law now with respect to agencies that do not have authority? Who can grant the easements now?

Mr. KNOTT. If they do not have the present authority, in many instances they are not able to do so. Again you could visualize a situation in which the agency might say to the General Services Administration, "This easement is excess to our needs," and if we found no other requirement for it we might dispose of it as an interest in surplus property.

Mr. BOUTIN. We would have to come before the Congress for specific authority.

Mr. KNOTT. Otherwise, if we did not use that device, we would have to come to Congress.

Mr. JONES. We had a bill, as I pointed out, that Mr. Vinson introduced, and which was considered by this committee, to give a 4-foot easement for the construction of a road on Federal property. This would make such legislation unnecessary, because the General Services Administration could then make those easements and rights-of-way where they cannot, or are unauthorized at the present time.

Mr. KNOTT. This is often a barrier to the development in the community in which the Government finds itself the holder of property, where otherwise progress of private enterprise in the community is impeded.

Mr. BASS. I see.

Mr. JONES. Are there any further questions?

Mr. BASS. No.

Mr. JONES. Next is H.R. 8356, by Mr. Buckley, to authorize reimbursement to owners and tenants of certain lands or interests therein acquired by the United States for certain moving expenses and losses and damages, and for other purposes.

(H.R. 8356 follows:)

[H.R. 8356, 87th Cong., 1st sess.]

A BILL To authorize reimbursement to owners and tenants of certain lands or interests therein acquired by the United States for certain moving expenses and losses and damages, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when any land or an interest in land in the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico or the possessions of the United States is hereafter acquired for Federal use by the United States by purchase, condemnation, or otherwise, the head of the executive agency for which the said land or interest in land is acquired is authorized to reimburse the owners and tenants of such land or interest in land for expenses and losses and damages incurred by such owners and tenants as a direct result of moving themselves, their families, and their possessions because of said acquisition to the extent the head of such executive agency determines such reimbursement to be fair and reasonable, such reimbursement to be in addition to, but not in duplication of, any payments that may otherwise be authorized by law to be made to such owners and tenants: *Provided*, That the total of such reimbursement to the owners and tenants shall in no event exceed 25 per centum of the fair value of any parcel of land or interest in land, as determined by the head of the executive agency making the payments. No payment under this Act shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages incurred, is submitted to the head of the executive agency within one year from (a) the date upon which the parcel of land or interest in land is to be vacated under agreement with the Government by the owner or tenant or pursuant to law, including but not limited to, an order of court, or (b) the date upon which the parcel of land or interest in land involved is vacated, whichever first occurs.

SEC. 2. The Administrator of General Services shall make such uniform rules and regulations as he finds necessary and proper for the purpose of carrying out the provisions of this Act. The head of each executive agency shall perform any and all acts and issue such orders and directives as he deems necessary to carry out the uniform rules and regulations issued by the Administrator of General Services and may delegate the authority conferred by this Act, including the making of determinations and decisions, to any other officers or officials of the agency. All functions performed under this Act shall be exempt from the operation of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 1001-1011), except as to the requirements of section 3 of said Act.

SEC. 3. Funds appropriated or otherwise available to an executive agency for the acquisition of real property or interests therein shall also be available for carrying out the provisions of this Act.

SEC. 4. The provisions of this Act shall not apply to any acquisition of lands or interests therein by the Tennessee Valley Authority or to any executive agency or situation provided for in (a) section 401(b) of the Act of July 14, 1952 (66 Stat. 624-625), as amended, or (b) the Act of May 29, 1958 (72 Stat. 152).

SEC. 5. The term "executive agency," as used in this Act, means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

STATEMENT OF BERNARD L. BOUTIN—Resumed

Mr. BOUTIN. Mr. Chairman, I would like to call on Mr. Macomber, the General Counsel of the General Services Administration.

Mr. JONES. Mr. Macomber.

Mr. MACOMBER. Mr. Chairman and members of the committee, this legislation is proposed by General Services Administration again to make uniform a law, and to give to all agencies authority that at the

present time only certain agencies have. The Department of Defense presently has authority stemming back to 1951 to pay moving expenses of occupants of land which it takes by purchase or condemnation. The Interior Department has that authority, but the General Services Administration does not.

We have run into difficulties at times in connection with the acquisition of property, arising from the fact that we are not able to treat the persons whose property we are taking as fairly or as generously as are the other two agencies.

Here again it was recommended, upon review of this legislation at the Bureau of the Budget, that the authority be made general rather than be given to the General Services Administration only. This legislation is patterned after the existing legislation of the Department of Defense and the Interior Department. It permits the payment of moving expenses, including actual moving, insurance, losses, and damages, and similar expenses incurred in connection with the vacation of the property. It is provided in the bill that the—

Mr. JONES. How in the world do you compute, let us say, the damages he might suffer as a result of the loss of property?

Mr. MACOMBER. If I understand your question, sir, under the bill the occupant would be required to furnish a statement of his claim for the type of expenses covered by this legislation within a year after the date of his vacating the property, or the date when he agrees or is ordered in condemnation proceedings to vacate, whichever is the earlier of the two, and the Government would then review the statement so submitted and satisfy itself that the amounts claimed were expenses actually incurred and within the scope of the statute.

Mr. JONES. I just don't see how you can take a proper measurement of damages or losses, by a lessee.

Mr. MACOMBER. The damages or losses referred to there are the damages or losses to his household goods, for example, in the course of moving, where he did not carry insurance.

Mr. JONES. Suppose he is going to lose his business as a tenant with a 10-year lease arrangement. Would he be entitled under this bill to be reimbursed?

Mr. BOUTIN. Lawson.

Mr. KNOTT. Mr. Chairman, if I may, I interrupt because I have had some experience with the operation of this statute in the Department of Defense after its enactment. The distinction lies between those expenses which arise directly as a result of moving, as distinguished from those losses that arise out of the acquisition of property by the Government. In the case you recite where he loses his business, this would not be compensable, but if he loses furniture in the course of moving, or if it is damaged, or if he has a receipted bill which shows the cost of his moving, or if he is delayed in getting—

Mr. JONES. Suppose the lessee lives in Washington and loses his business and decides the best thing for him to do is to go to California.

Mr. KNOTT. We actually had such a case arise in some of the moving of cattle from Texas to California.

Mr. JONES. I knew everything else was going to California, but I didn't know that cattle was.

Mr. KNOTT. That's right. This actually happened and they allowed the cost of shipping his cattle. But they would not allow

the cost of any loss to him, for example, in the price for his cattle in California, as distinguished from if he had sold them locally.

Mr. HARVEY. Do you mean that cost of shipping the cattle from Texas to California we pay?

Mr. KNOTT. That's right.

Mr. JONES. That was under authority of the Department of Defense statute.

Mr. KNOTT. That is right. And this statute as Mr. Macomber points out, was patterned after that. Actually, while it sounds like it might be quite expensive, there is a limitation of 25 percent placed on the statute. The reimbursement could not exceed 25 percent of the acquisition price of the property. Actually, the first 4 or 5 years of experience—and I assume it has not varied materially since then—showed about 5 or 6 percent as the actual outlay.

Mr. BASS. The answer to the chairman's question then is you would pay?

Mr. KNOTT. That is right. You would pay.

Mr. BASS. Is that what you do now under the present law?

Mr. KNOTT. This is what the Defense Department does now under this act, and it is undoubtedly what we would do under the act, if passed, because it follows the same pattern.

Mr. BASS. The only limitation is 25 percent?

Mr. KNOTT. The only limitation is 25 percent. We would not pay for his loss of business. This arises out of the acquisition, but not out of moving, you see. This is merely to cover the impact of moving. That is all.

Mr. McVEY. I would like to address a question perhaps jointly to Mr. Knott and Mr. Macomber. It is my understanding this bill would not apply to Federal-aid highways, to forest highways, and public land highways, and defense access highways maintained by the State.

Mr. KNOTT. No, sir. This is designed for properties acquired for Federal use such as military installations, flood control reservoirs, and reclamation projects, under other statutes, and, public buildings, projects under this bill.

Mr. BURKE. Mr. Chairman, as you know, for some time I have been very much interested in the problem of the compensation of persons who have lands taken by various Federal agencies. In the last Congress we had a bill to study the problem generally. We have one pending now.

I have before me a report from the Bureau of the Budget which was sent to Senator McClellan as chairman of the Committee on Government Operations in the other body on an identical bill to mine, I think, which was sponsored by the distinguished Senator Hill. The Bureau of the Budget recommends favorably on that bill, which is identical to mine, saying in part I think what you have been saying here. It is a four-page report and I won't read it all, but it says in part:

The administration believes there is a real need for a comprehensive and impartial study of the acquisition of property for Federal or federally sponsored purposes. While we do not believe it should be assumed that property owners generally are not adequately reimbursed, it is true that the Government does not pay landowners for some kinds of expenses which may indirectly be related to the sale of their property. But it is also known that amounts awarded by courts generally are substantially more than current market values as determined by independent local appraisers. These and other pertinent facts should be care-

fully and objectively balanced in fairness both to the property owner and the general taxpayer. There have been many complaints that amounts being paid are inadequate and bills have been introduced to provide more liberal payments for property acquired for specific Federal programs or from specific property owners. Generally we have not favored such proposals because they would provide a piecemeal solution and would result in varying amounts being paid to property owners, depending upon which Federal agency happened to take their property.

The Bureau of the Budget then goes on to recommend a slightly different kind of commission than the pending legislation proposes.

My question is, In view of this attitude on the part of the administration, is it wise to recommend the passage once again of, call it, a piecemeal piece of legislation?

Mr. MACOMBER. Mr. Burke, I think I can only say in answer to that that the Bureau of the Budget advises us there is no objection on the part of the administration to the submission of this legislation. That I would indicate a feeling that the need here is sufficiently great to provide for it, even though it is recognized that there is a need for a further and more complete study of the whole problem.

Mr. BURKE. I am inclined to agree. For example, it would put the General Services Administration in the same position as the Department of the Interior.

Mr. KNOTT. That is right.

Mr. BURKE. But a little different from the Corps of Engineers.

Mr. KNOTT. No.

Mr. MACOMBER. No, because while this bill provides that nothing in it will affect any authority under any other law, the agencies that have a limited authority under other laws can also exercise the authority under this bill.

Mr. BURKE. Then this would really in effect give to the Corps of Engineers—and the chairman is an expert in this field—it would give the Corps of Engineers the authority to pay severance costs, if you please, in certain navigation projects that they do not have now?

Mr. JONES. No. Not in severance. They can compute the cost of the severance damage in the bill.

Mr. BURKE. It would extend the Corps of Engineers' authority to pay compensation.

Mr. JONES. They have that general compensation now.

Mr. MACOMBER. I think I should correct my statement. The bill would not give the Corps of Engineers, or the Department of Defense generally, any additional authority, since it parallels the authority they have under the 1952 statute.

Mr. BURKE. Wouldn't it?

Mr. MACOMBER. This follows the pattern of the other. The authority in the other acts remains unaffected.

Mr. BURKE. I don't think that this bill is in conflict with this long opinion that the Bureau of the Budget expressed concerning the formation of a commission, but I thought we might note that it is apparently not the opinion of the Bureau of the Budget that bills like this are the final solution.

Mr. KNOTT. I think this is true. The difficulty has been that the courts have held rather firmly to the view that in the acquisition of property certain items of valuation may be taken into account, but other damages are consequential. This comes under the heading of

consequential damages, which nevertheless have an impact on the owner of property greater than he can bear in some instances, and certainly makes it necessary for us to resort to condemnation proceedings more frequently than we would otherwise have to do with this authority. It has not been mentioned that a similar, but not parallel statute, was passed in the Housing Act of 1949, amended in 1956, to provide the authority there. In those cases it is a specified amount, regardless of the amount of the loss if any.

Actually, in many cases under this bill there would be no provable expense incurred by the owner, and in such cases he would receive nothing.

With bare land, for example, if he had nothing to move, and no tenants, and no moving expenses, there would not be any allowance.

Mr. JONES. Did you have a question, Mr. King?

Mr. KING. No.

Mr. HARVEY. Mr. Chairman.

Mr. JONES. Mr. Harvey.

Mr. HARVEY. It seems to me this language is very broad and I am not as familiar with the subject as I might be, but I would think our object would be the same as the object in a court of law, which is reasonably to make this person whole again for the damage we have done to him. But I cannot conceive of any circumstances where a court of law would permit recovery for damages, for example, for moving from Texas to California. To me it is beyond comprehension, and when we state in the act that this person, either an owner or a tenant, is to be reimbursed to such extent as the head of such executive agency determines such reimbursement to be fair and reasonable, that is an extremely broad grant of authority.

If it is going to be construed as paying damages for moving from Texas to California, I am not in favor of it. I can't conceive of going that far with the knowledge I have of this subject now.

Mr. MACOMBER. I would suspect, Mr. Harvey—I am not familiar with the case Mr. Knott referred to—but there must have been some very special circumstances.

Mr. KNOTT. I think that is true and it is a universal case, but in all fairness we must admit it is susceptible to that interpretation, and I would agree that this is possible.

Mr. HARVEY. Certainly you would agree with me that no court of law under any modern concept of damages would permit a recovery of that nature. If we permit a department head to far exceed the recovery a person would receive in a court of law—

Mr. KNOTT. Mr. Harvey, I think that is just the situation in which we find ourselves. This being recognized as the case, the Congress at least in 1951 felt that they should provide this authority, and again as late as 1959. So that in at least three agencies of the Government now which have far more extensive acquisition problems than does the General Services Administration, for example, this authority resides now.

I think one reason why in 1952 the act of 1951 was amended was to correct a situation that Mr. Wright will recall at Fort Hood, Tex., and the adjoining flood control reservoir, where the Government acquired half of a man's property for a military installation and could compensate him for moving costs, while the rest of the property, which

was being acquired for the reservoir project, the Army could not compensate him. There may never arise a situation where we must acquire land for public buildings and adjoining property must be acquired for a military purpose. Nevertheless we are confronted with the situation in which other agencies of Government engaged more extensively in the acquisition of property may do this now.

Mr. HARVEY. What this would do would be to make that practice standard. Is that correct?

Mr. KNOTT. That's right.

Mr. HARVEY. So that all agencies could compensate in that same vague, broad manner.

Mr. KNOTT. That is correct. This statute says that the General Services Administrator will provide regulations which would govern the payments by all agencies. This provision was inserted at the suggestion of the House Committee on Government Operations which considered a similar bill last year and thought this should be done. This bill was passed by the Senate last year and was held in the House Committee on Government Operations, but was not reported because the Congress adjourned.

Mr. MACOMBER. Mr. Chairman, there are two minor items on which I should like to have a very few moments to comment in connection with this bill.

Mr. JONES. Yes.

Mr. MACOMBER. The first one, I think, is partially covered by Mr. McVey's question of a few moments ago, but the point was raised by the Bureau of Public Roads with us just yesterday that while they have no objection at all to this bill being made applicable to their acquisitions of land for Federal use, they wanted us to make it clear to the committee in our statement that we did not consider that the bill would be applicable in those cases that arise occasionally where land that is being acquired for the Interstate System, and which is ordinarily acquired by the State under a 90-percent grant, is as a matter of convenience in cases of urgency acquired by the Federal Government and turned over to the State.

Mr. JONES. I think that the committee time and time again rejected that proposition and has taken the position that the Bureau of Public Roads points out.

Mr. MACOMBER. Yes. And one other point I should like to mention is this: The corresponding bill to this in the Senate is S. 2159. One of the Members of the Senate communicated with Senator McClellan, the chairman of the Senate Committee on Government Operations, which is handling the bill on the Senate side, raising the question as to whether it would not be desirable to make this authority applicable to takings by establishments in the legislative branch. Senator McClellan addressed a letter to us inquiring whether we saw any objection to the bill being extended to that point, and asking us if we did not, as a drafting service to draft language accomplishing that purpose.

Mr. JONES. I think, Mr. Macomber, that matter has been before the House Building Commission, and I understand you all have rejected that proposition unanimously, Mr. Auchincloss.

Mr. AUCHINCLOSS. I think so. I think so. I defer to the Speaker, who makes the rule.

Mr. JONES. It is only hearsay to me, but I understand you have.

Mr. AUCHINCLOSS. It is hearsay with me. We have not had a meeting on it.

Mr. MACOMBER. We merely want to invite to your attention on this committee the fact that such a proposal was at least under consideration in the other body. We are not advocating that and did not consider it appropriate for us to take any position, of course.

Mr. McFALL. I would like to say I would be for anything like that, because I don't think that these people that the Congress takes property from should be treated any differently than any other Government agency. These shopowners out here are faced with the same problem that any other shopowners are faced with when the Government takes their land. The Urban Renewal Act has been amended now so we can get the exact actual cost of your moving expenses, and you are going to go through changing this law to actual moving expenses, and the Congress ought to apply the same rule to its own purchases.

Mr. JONES. Prior to your coming into the committee room, Mr. Knott pointed out that the Department of Defense had the same authority with the exception of the Corps of Engineers, and had utilized it in making reimbursement for damages and losses claimed by the people they receive the property from.

Mr. McFALL. I think it is perfectly equitable.

Mr. JONES. Are there any further questions?

(No response.)

Mr. JONES. Thank you, gentlemen.

I will repeat what I said earlier. We will go into executive session after we hear the next witness.

That concludes the pending bills that were scheduled for hearing this morning.

We will now take up a resolution introduced by Mr. Smith of Virginia, House Joint Resolution 500.

(H.J. Res. 500 follows:)

[H.J. Res. 500, 87th Cong., 1st sess.]

JOINT RESOLUTION To authorize the Architect of the Capitol to construct a memorial to James Madison, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol, under the direction of the House Office Building Commission, is authorized and directed to construct in square 732 in the District of Columbia—

(1) in accordance with plans to be prepared by the Architect of the Capitol, under the direction jointly of the House Office Building Commission and the James Madison Memorial Commission established by the joint resolution entitled "Joint resolution to establish a commission to formulate plans for a memorial to James Madison", approved April 8, 1960 (74 Stat. 37), a permanent memorial to James Madison; the design of which shall include a superstructure with basement and be in keeping with the prevailing architecture of the buildings on Capitol Hill; and

(2) in accordance with plans to be prepared by the Architect of the Capitol and submitted to, and approved by, the House Office Building Commission, an underground structure for housing the papers of the Presidents of the United States in the collections of the Library of Congress and other valued documents of the Library of Congress, including such necessary equipment, such necessary connections with the Capitol Power Plant and other utilities, such tunnels under public streets connecting such underground structure with the main and annex Library of Congress buildings, and such other appurtenant or necessary facilities, such changes in the main Library of Congress building, and such landscaping, as may be approved by the House Office Building Commission.

SEC. 2. The Architect of the Capitol, under the direction of the House Office Building Commission, is authorized to enter into contracts and to make such other expenditures including expenditures for personal and other services, not to exceed \$39,000,000, as may be necessary to carry out the purposes of this joint resolution.

SEC. 3. The Librarian of Congress shall have jurisdiction over, and responsibility for the care, operation, and supervision of, the memorial and underground structure, when completed; except that the structural and mechanical care of such memorial and underground structure and the care of the surrounding grounds shall be under the Architect of the Capitol.

SEC. 4. The words "and formulating" in the first sentence of the first section, the last sentence of the first section, and sections 2 and 3 of the joint resolution entitled "Joint resolution to establish a commission to formulate plans for a memorial to James Madison", approved April 8, 1960 (73 Stat. 37), are hereby repealed.

SEC. 5. There are hereby authorized to be appropriated such sums, not to exceed \$39,000,000, as may be necessary to carry out the purposes of this joint resolution.

Mr. JONES. This is a resolution asking that the House Office Building Commission be authorized and directed to construct the James Madison Memorial in the immediate vicinity of the Capitol. This is a bill which would call for the authorization of \$39 million. It is going to take some time to hear this bill. Dr. Dodds, who is a member of the Commission and a former president of Princeton University, had plans to leave on Saturday for a trip to Europe, so today we will take him out of order, since we will not go into this bill at length today. We will therefore take the testimony of Dr. Dodds and accommodate him, so that he will not have his trip delayed.

Is Dr. Dodds present?

(Whereupon a recess was had.)

Mr. JONES. I will repeat what I said earlier, at the beginning of the hearing. House Joint Resolution 500 was introduced by Mr. Smith of Virginia. This was to authorize the construction of the James Madison Memorial, authorizing \$39 million for it. Since the bill would require a whole morning to hear testimony on, or perhaps longer, it was my intention to schedule it for some time next week.

We have with us Dr. Harold W. Dodds, the former president of Princeton University. We are taking Dr. Dodds out of order since I have been informed by Mr. Hester, the executive chairman of the executive committee, that you wanted to make your departure for Europe in the latter part of this week. So I have agreed that we would hear you out this morning. The testimony you will present to the committee, Dr. Dodds, will be incorporated in the proper place in the report of our general hearings.

Doctor, we are delighted to have you and to have your great interest in the project, which means so much to our Nation's Capital. We will not detain you further and will let you proceed.

STATEMENT OF HAROLD W. DODDS, CHAIRMAN, JAMES MADISON MEMORIAL COMMISSION

Dr. DODDS. Mr. Chairman and members of the committee, first I want to express to you my personal appreciation for hearing me out of order. I am going abroad at the end of the week to fulfill some earlier contracts, and this act of courtesy is very gratefully received. On behalf of the members of the Commission as well as myself I

express for them, as for me, appreciation for affording me this opportunity.

Mr. JONES. We appreciate your coming because we did not want to lose the valuable contribution you could make to this matter for the committee.

Dr. DODDS. Thank you, sir.

From the beginning our Commission desired a living memorial which would represent and keep alive the principles of representative government and freedom that Madison did so much to inculcate in our constitutional system. He was, as you know, termed by his contemporaries, and has been classed by historians, as the architect of the Constitution.

Since his contributions were so largely in the field of ideas, we felt that the best way to establish such a memorial was to make it a center of education and scholarship. The proposal, therefore, incorporated in the resolution, divides into two parts. One is the above-ground memorial, which would be the Madison Memorial Library. It will be a dignified building containing an impressive memorial room and affording adequate space for displaying valuable exhibits of selected documents of Madison and his period. We believe that Madison's services can be dramatized further in a series of three-dimensional dioramas depicting his chief contributions. The National Park Service, which is in charge of many of our national monuments, has an outstanding reputation for success in such matters. The mezzanine and second-floor plans provide for offices, catalog room, and reading room for use of teachers, writers, and scholars.

We believe that the memorial and exhibition space will be effective with the thousands who will visit it annually, not the least of whom will be public school students for whom the exhibits will help drive home basic American principles. As a former teacher of American government, I cannot imagine anything that would be more impressive for high school students studying this period of our constitutional development and the principles involved than to see some of the documents and some of the Madison memorabilia and these graphic exhibits.

The other larger part of the project will be an underground annex to the Library of Congress. We believe that the effectiveness of the memorial will be enhanced by associating with it the rich and irreplaceable collection of the Library of Congress, consisting of the papers of 23 Presidents and a wealth of other historic papers and documents which it possesses.

Accordingly, in cooperation with the Library of Congress we propose an underground space for the custody of these valuable items with facilities for their use by writers and scholars interested in various phases of our history. The Library urgently needs more and better room for the preservation and use of this material which is of such commanding historic value.

When completed, the whole memorial will be administered by the Library, which will insure proper maintenance and supervision of the use of its rare books and documents, except that the structural and mechanical care of the whole memorial and the maintenance of the surrounding grounds will be under the Architect of the Capitol.

The site selected, which has the approval of the House Office Building Commission, is on the land to be cleared to the south of the main

building of the Library of Congress across Independence Avenue. This site not only gives the memorial the significance it deserves, but makes possible its efficient and convenient administration by the Library of Congress.

House Joint Resolution 500 provides that the plans shall be prepared by the Architect of the Capitol under the direction jointly of the House Office Building Commission and the James Madison Memorial Commission. It will be designed to harmonize with its neighbors on the Capitol Grounds. Incidentally, it is contemplated that the style will be one of which Madison would undoubtedly approve himself if he were alive. Construction will be in the hands of the Architect of the Capitol under the direction of the House Office Building Commission.

It is the hope of the Madison Commission that House Joint Resolution 500 will receive your favorable consideration.

Thank you very much, Mr. Chairman.

Mr. JONES. Thank you very much, Dr. Dodds. Are there any questions?

Mr. Auchincloss.

Mr. AUCHINCLOSS. Dr. Dodds, I would like to ask a question off the record.

(Discussion off the record.)

Mr. AUCHINCLOSS. Mr. Chairman, I want to say as a member of the House Building Commission I am familiar with this proposal. It was passed unanimously by the House Office Building Commission. The bill before us was drafted with the approval of the commission and the approval of the Parliamentarian, and I think I can speak for the Speaker that he is enthusiastic for this project.

I have seen the plans and I endorse everything that Dr. Dodds has said in support of this bill. I think it would be a great addition to the Hill here, and to the historic interest of Washington.

Mr. JONES. Thank you very much, Mr. Auchincloss.

Are there any questions?

Mr. BASS. Dr. Dodds, is this memorial to cost \$39 million? I noticed that in section 5 of the bill.

Dr. DODDS. That is provided in the resolution. Of course, the major part of that pertains to the Library of Congress and the custody of its rare documents. It is my understanding that this will come before you next week, or soon, when the Architect of the Capitol will be here. Since these estimates are in his hands I do not feel that I am competent to discuss them.

Mr. BASS. You cannot give us an estimate of the cost then?

Dr. DODDS. Well, we have accepted this estimate from him. We have not challenged that estimate, but he would be the one to explain it.

Mr. BASS. So we can assume the overall cost would be about \$39 million?

Dr. DODDS. Yes. I think that is right.

Mr. AUCHINCLOSS. If the gentleman will yield, that is the best estimate that the Architect of the Capitol can give us at this time, and I think it is well within reason.

Mr. EDMONDSON. Mr. Chairman, personally I would like to be associated with the expressions in support of this joint resolution. I

have had the feeling for a long time that James Madison occupied a place in the history of our country, and the contribution he made, by virtue of his connection with the Constitution of the United States, was of a stature that we had been generally tardy in giving proper recognition to, here in the Nation's Capital. I think the endorsement and support of a great Virginian, who has made a national reputation for his careful approach and his caution in terms of expenditures of money—and I am speaking of the gentleman from Virginia, Mr. Smith—I think an endorsement from that kind of authority puts this in a category where I personally feel confident that the expenditures will be at a level which can be completely justified. I certainly hope that we can advance this resolution.

Mr. JONES. You are winning friends fast. You had better talk a little more, Doctor.

Dr. DODDS. James Madison is. I don't think I need to talk.

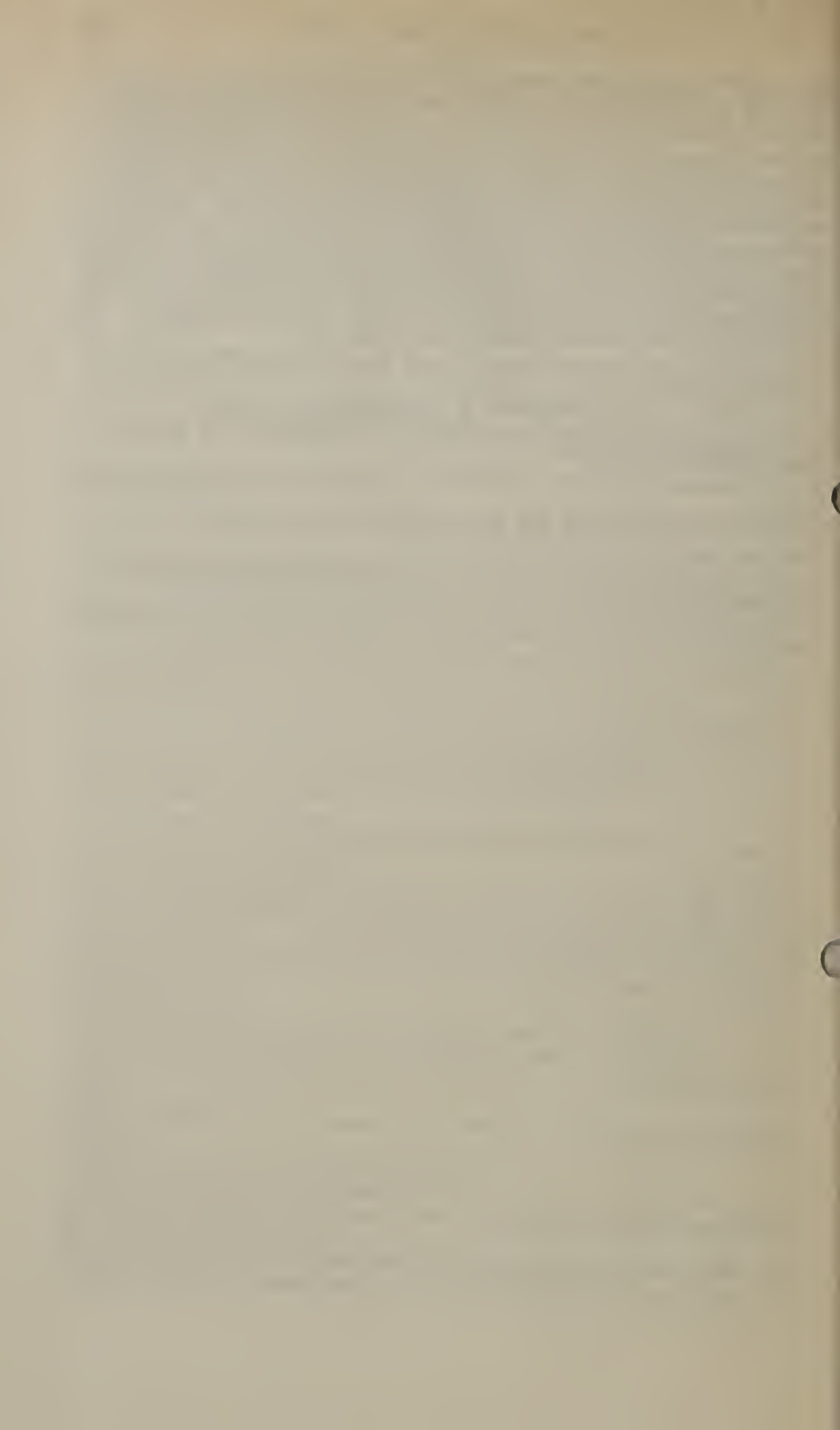
Mr. JONES. Thank you very much, Dr. Dodds, and we hope you have a delightful trip.

Dr. DODDS. Thank you, and thanks again for hearing me out of order.

Mr. JONES. As I said, and I will repeat again, I hope to have the hearings on the bill sometime next week.

That concludes all of the open hearings and the committee will go into executive session.

(Whereupon, at 10:50 a.m., the committee went into executive session.)



PUBLIC BUILDINGS BILLS—1961

FRIDAY, SEPTEMBER 15, 1961

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS,
SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 1304, House Office Building, Hon. Robert E. Jones (subcommittee chairman) presiding.

Mr. JONES. The subcommittee will come to order.

The business of the subcommittee this morning is to hear witnesses on behalf of the joint resolution to authorize the Architect of the Capitol to construct a memorial to James Madison, and for other purposes.

Our first witness is Mr. Stewart, Architect of the Capitol. We are pleased to have you here, Mr. Stewart.

STATEMENT OF J. GEORGE STEWART, ARCHITECT OF THE CAPITOL, ACCOMPANIED BY MARIO E. CAMPIOLI, ASSISTANT ARCHITECT OF THE CAPITOL

Mr. STEWART. Mr. Chairman and members of the committee, I have a short statement I would like to read which is the basis of the testimony.

Mr. JONES. You may proceed.

Mr. STEWART. House Joint Resolutions 500, 501, 502, 503, and Senate Joint Resolution 119—all identical resolutions—authorize and direct the Architect of the Capitol, under the direction of the House Office Building Commission, to construct in square 732 in the District of Columbia a permanent memorial to James Madison, consisting of a superstructure with basement, and an underground structure to house the papers of the Presidents of the United States in the collections of the Library of Congress and other valued documents of the Library of Congress; to enter into contracts and to make such other expenditures, not to exceed \$39 million, as may be necessary to provide for construction of the memorial and underground structure. The joint resolutions also authorize appropriations not to exceed \$39 million for the project; vest the Librarian of Congress with jurisdiction and responsibility for the care, operation, and supervision of the memorial and underground structure, when completed; vest the Architect of the Capitol with the structural and mechanical care of the memorial and underground structure and the care of the surrounding grounds; repeal the provisions of the joint resolution approved April 8, 1960,

heretofore defining the duties and authority of the James Madison Memorial Commission.

Under the terms of the joint resolutions, the plans for the James Madison Memorial are to be prepared by the Architect of the Capitol under the joint direction of the House Office Building Commission and the James Madison Memorial Commission. Under the terms of the joint resolutions, the plans for the underground structure are to be prepared by the Architect of the Capitol under the direction of the House Office Building Commission.

The House Office Building Commission is composed of the following membership: Speaker Sam Rayburn, chairman; Representative Carl Vinson, of Georgia, and Representative James C. Auchincloss, of New Jersey, members.

The James Madison Memorial Commission is composed of the following membership: Dr. Harold W. Dodds, Chairman, Dr. Colgate W. Darden, Jr., Clinton M. Hester, and Dr. William T. Hutchinson, appointed by the President; Representative Howard W. Smith of Virginia, Representative Richard C. Poff, of Virginia, Representative Arch A. Moore, Jr., of West Virginia, Representative John M. Slack, Jr., of West Virginia; Senator Spessard L. Holland, of Florida, Senator A. Willis Robertson, of Virginia, Senator Wallace F. Bennett, of Utah, Senator Frank Carlson, of Kansas.

Square 732, in which it is proposed to construct the memorial and underground structure, lies immediately east of the Old House Office Building, and is bounded on the north by Independence Avenue SE., on the east by Second Street SE., on the south by C Street SE., on the west by First Street SE. Square 732 actually consists of two city blocks, being bisected by Carroll Street from east to west. Square 732 was acquired by the Architect of the Capitol in December 1960 as an addition to the U.S. Capitol Grounds, under authority of the Additional Housing Office Building Act of 1955, and is now under the control of the House Office Building Commission.

The James Madison Memorial Commission, after consultation with the House Office Building Commission, agrees that square 732 is the location most desirable as a site for the James Madison Memorial. In this location, the memorial would be adjacent to the Library of Congress and the House Office Buildings and would be a notable addition to the surrounding structures adjoining Capitol Hill and would add interest to the vistas from the east plaza of the Capitol. It would be, in addition, an attraction for the many visitors to the Hill.

It is also greed that it would be highly desirable to locate in square 732 three levels of underground vaults in which to house the papers of Presidents in the collections of the Library of Congress and other valuable historic documents in the Library collections.

This latter consideration is of the utmost importance in planning a third building for the Library of Congress, for which the preparation of preliminary plans and estimates of cost was authorized by Public Law 86-469, approved May 14, 1960. In preparing the preliminary plans for the third Library building, it was found that instead of having to acquire four squares on which to construct a building of adequate accommodations for the Library, a building of adequate accommodations can be provided on two squares, provided an underground vault is constructed in square 732 and part of the Library collections, including the papers of the Presidents, is transferred from

the two existing buildings of the Library of Congress to the proposed vault, thereby affording space for expansion in those two buildings.

In this connection, it is to be noted that the main Library building was built in 1897 and was enlarged in 1910, 1927, 1930, and 1934, and that the annex Library building was built in 1939. In June 1902, the Library contained 1,114,411 books and pamphlets in the main collection and in the Law Library and 345,511 pieces of music. At present, the collections comprise over 12 million books and pamphlets; 167,000 bound newspaper volumes; 16,500,000 manuscripts; 2,563,000 maps and views; 2,050,000 items of music; 3,024,000 photographic negatives, prints, and slides; 584,000 fine prints; 126,000 motion picture reels; 109,000 phonorecordings; and 190,000 reels of microfilm.

The proposed memorial building will be designed in a dignified conservative manner to harmonize with the existing classic buildings on Capitol Hill. It is proposed that there be a portico facing north with lesser porticos facing east and west and a portico reflecting the north entrance on the south. The exterior of the memorial is proposed to be of marble with granite base and the surrounding grounds will be landscaped in an appropriate manner in order to form a proper entourage for the memorial.

The general dimensions of the building, as proposed, are 112 feet north and south, and 192 feet east and west. The building would contain a gross area of approximately 104,000 square feet.

It is proposed that the ground floor contain in the center an impressive memorial room two stories in height in which it is contemplated to place a statue of Madison and certain historical exhibits pertaining to his life. Surrounding this room on the north it is proposed that there be a public entrance lobby, on the west space for the staff and vertical conveyors for the books from the vaults, and on the east and south, exhibit areas, including dioramas illustrative of incidents in his life. It is proposed that the mezzanine floor around the upper part of the memorial room have offices for the staff, and that the second floor have a large reading room with catalog area and control desk adjacent and private study rooms for scholars. In the reading room, the Madison papers and other material are proposed to be made available to scholars and other qualified persons. This reading room would be connected by vertical and horizontal book conveyors to the underground vault and to the main and annex buildings of the Library of Congress, so that any book in the Library collection would be available in this reading room in a short period of time.

The estimated cost of this memorial, including conveyors, built-in book stacks, furniture and furnishings, memorial statue of Madison, other appropriate decorative sculpture and murals, dioramas, landscaping, architectural and engineering fees, and administrative expenses, is \$15 million.

The underground structure, or vault, as proposed, would consist of three levels below grade and would be connected to the main Library building by a tunnel, containing conveyors and book-handling equipment and would have underground access by truck. The superstructure of the James Madison Memorial is proposed to be located above the central portion of the vault and, as previously stated, would contain the Madison papers, a memorial room, exhibition and reading rooms, and provisions for research, all of which would be under the jurisdiction of the Librarian of Congress.

The general overall dimensions of the vault, as proposed, are 355 feet north and south, and 517 feet east and west. The vault would contain approximately a gross area of 554,500 square feet.

The three underground levels, as proposed, would contain the most precious possessions of the Library. The items included in the precious category are the papers of the Presidents, original manuscripts and compositions, and items of great historical importance and significance. In addition, the vault would contain the blind collection, map collection, rare book collection, music collection, prints and photographic collections, general storage for collections, and mechanical equipment. The vault would be connected to the Library buildings by tunnel and book conveyors. It is contemplated that the Presidential papers and other rare items will be housed in the vault and will be made available for study in the reading and study rooms of the proposed Madison Memorial.

The estimated cost of the vault, including conveyors, book stacks, map cases, architectural and engineering fees and administrative expenses, and furniture and furnishings, but excluding any cost in connection with the James Madison Memorial superstructure, is, exclusive of cost of tunnels, \$23,486,000.

The cost of the pedestrian tunnels connecting the underground vault with the main and annex Library buildings, including architectural and engineering fees and administrative expenses, is estimated at \$514,000.

A breakdown of the estimated cost of \$39 million for the project is attached to this statement.

Mr. JONES. Thank you very much, Mr. Stewart. Page 7 of your statement, which contains a breakdown of the estimated cost, will be made a part of the record at this point.

(The breakdown referred to follows:)

James Madison Memorial, including underground vault and tunnels, square 732

SUPERSTRUCTURE, INCLUDING BASEMENT

Construction cost-----	\$12, 000, 000	
Landscaping-----	540, 000	
Furniture and furnishings-----	1, 100, 000	
Architectural and engineering fees and administrative costs-----	1, 360, 000	
		<hr/> \$15, 000, 000.

UNDERGROUND VAULT

Construction cost:		
(a) Structure (554,430 square feet at \$31.60 per square foot) (8,611,450 cubic feet at \$2.04 per cubic foot)-----	\$17, 527, 000	
(b) Conveyor-----	724, 000	
		<hr/> 18, 251, 000
Furniture and furnishings:		
(a) Map cases and movable book stacks-----	2, 169, 000	
(b) Other furniture and furnishing-----	931, 000	
		<hr/> 3, 100, 000
Architectural and engineering fees and administrative costs-----	2, 135, 000	
		<hr/> 23, 486, 000

PEDESTRIAN TUNNELS FROM VAULT TO MAIN BUILDING AND ANNEX

Construction cost (440 linear feet at \$1,062 per linear foot)-----	\$467, 000	
Architectural and engineering fees and administrative costs-----	47, 000	
		<u>\$514, 000</u>
Total estimated cost of project-----		39, 000, 000

NOTE.—The foregoing does not include the necessary alterations or expansion of the Capitol Power Plant to accommodate this project.

Mr. JONES. Any questions?

Mr. DOOLEY. Mr. Stewart, what was the cost of the Taft Memorial? I realize there is a different concept involved but I just wondered what the cost was? Do you know?

Mr. STEWART. I have no figures on the cost but I have comparative sizes of the three buildings, the Jefferson, Lincoln, and Madison Memorials.

We made this up [indicating] as a comparison of the three. It shows the Jefferson, Lincoln, and Madison Memorials.

Mr. JONES. Is that the scale?

Mr. STEWART. Yes. The costs are not quite comparable because of increased costs in more recent years.

Mr. DOOLEY. This breaks down to about \$380 a square foot for the \$39 million?

Mr. STEWART. Not the memorial. The memorial is only \$15 million.

Mr. JONES. \$23 million is the amount that would be required to house the activities of the Library of Congress?

Mr. STEWART. Yes.

Mr. JONES. And the additional cost would be for the memorial itself?

Mr. STEWART. Yes.

Mr. JONES. So there would have to be an expenditure of \$23 million to take care of the needs of the Library of Congress even if the memorial were not included?

Mr. STEWART. Yes. That has already been authorized and I have the plans of this underground vault and the other facilities.

Mr. DOOLEY. Where is this square 732?

Mr. STEWART. That is what Mr. Rooney calls "Ptomaine Row" over here right to the south of the old Library Building.

Mr. DOOLEY. I see.

Mr. STEWART. Mr. Campioli, my assistant, is here and if there is anything in the way of details you wish, he can go into them.

Mr. JONES. Do you wish to testify, Mr. Campioli?

Mr. CAMPIOLI. If you wish.

Mr. JONES. Yes, we will be pleased to hear from you.

Mr. CAMPIOLI. I thought you might be interested in seeing the location of the building with relation to other buildings. We have made this plan which shows the main Library of Congress, the annex, the Old House Office Building, and the proposed location of the James Madison Memorial.

The actual area between the street curbs comprising the two buildings is actually slightly greater than in the case of either the Lincoln or Jefferson Memorials when measured between the curbs.

We have also studied the exterior, and this conforms to the report of Mr. Stewart. This shows the view as seen from the Capitol Grounds looking toward the building.

Mr. DOOLEY. It is beautiful.

Mr. CAMPIOLI. The Old House Office Building would be in this location, and this would be all marble around the base [indicating].

This is an aerial view which shows the proposed memorial. This is the Capitol.

Mr. AUCHINCLOSS. May I ask this question: Why is not this in the center of the plot?

Mr. CAMPIOLI. We were asked not to push this building too far back as it would be desirable to see it from the Capitol Grounds. In one of the former studies we had the building back farther and the corner of this Old House Office Building would shield it. This is so that there is a better view of it from the Capitol Grounds.

Mr. AUCHINCLOSS. I am glad to have that explanation. That does not mean I necessarily agree with it.

Mr. JONES. This is the proposed new Library?

Mr. CAMPIOLI. Yes.

Mr. JONES. And this is the annex?

Mr. CAMPIOLI. Yes.

Mr. JONES. And this is the Folger?

Mr. CAMPIOLI. This is the Folger and this is the main building. The fact we were able to put the underground vault in this location permitted us to keep this building in a two-block location.

Mr. JONES. Is this portion of the photograph in the taking area?

Mr. CAMPIOLI. Yes.

Mr. JONES. How much of that land will be allocated to parking spaces?

Mr. CAMPIOLI. I do not think any decision has been made on that.

Mr. STEWART. No parking space is contemplated. If any parking is provided it would be for the Library as needed.

Mr. JONES. Do you not think the addition of this memorial will almost require that you have places for people to park?

Mr. STEWART. It is contemplated this new area where the new building is will be taken for underground parking [indicating].

Mr. JONES. But where will the visitors, the tourists, put their cars? Off the record.

(Discussion off the record.)

Mr. JONES. I think there will be a problem if you do not have parking spaces. You are taking this, too [indicating], are you not?

Mr. STEWART. Just this one block.

Mr. DOOLEY. One square block?

Mr. STEWART. Yes. This area in here was not of sufficient size in the projection.

Mr. DOOLEY. Will you have an underground passage?

Mr. STEWART. Yes. There is a tunnel that connects all these buildings together with the Old House Office Building.

Mr. CAMPIOLI. This is the plan. You see the spaces for the dioramas; and this is the mezzanine. The second floor will have study rooms. There will be one basement story that will sit on top of the underground vault. This shows the center large memorial room with the reading room above it.

Mr. JONES. Thank you, sir.

Mr. COOK. When do you contemplate the new library building will be constructed?

Mr. STEWART. That will be referred to the Joint Committee on the Library. After everything is authorized it will take fully 3 years for the building to be constructed.

Mr. COOK. You are speaking about the memorial?

Mr. STEWART. No, I am speaking about the other library.

Mr. COOK. The space underneath the new Library building will not be sufficient to house these documents?

Mr. CAMPIOLI. Not unless we take in two more blocks.

Mr. COOK. Why is that?

Mr. CAMPIOLI. We have now occupied to the limit the area of these two buildings without going to the curb. We try to keep the same setbacks as we have on the present building.

Mr. COOK. How many levels will you have underneath the new Library building?

Mr. CAMPIOLI. We go down five levels, 50 feet.

Mr. COOK. That will be used for what?

Mr. CAMPIOLI. Parking, storage, and collections that do not have to be gotten to as often.

Mr. COOK. If this area were not used for parking, would there be sufficient space to house the Library documents?

Mr. CAMPIOLI. No, because this parking area only amounts to sufficient space for 300 cars.

Mr. COOK. This would be parking area for employees?

Mr. CAMPIOLI. Yes, employees in this building.

Mr. STEWART. Mr. Chairman, this is a copy of a letter sent to you requesting an amendment covering furniture and furnishings.

Mr. JONES. Without objection, the letter from the Architect of the Capitol dated September 14, 1961, addressed to me, will be made a part of the record at this point.

(The letter referred to follows:)

ARCHITECT OF THE CAPITOL,
Washington, D.C., September 14, 1961.

Hon. ROBERT E. JONES,
Chairman, Committee on Public Works,
House of Representatives.

MY DEAR MR. CHAIRMAN: Through inadvertence, when House Joint Resolutions 500, 501, 502, and 503, identical resolutions authorizing the Architect of the Capitol to construct a memorial to James Madison and for other purposes, were drafted, language was not including providing for furniture and furnishings for the memorial and underground vault.

Accordingly, it is requested that on page 2, line 25, of these resolutions, after the word "services", there be added the language "and for furniture and furnishings". This amendment is necessary, as an authorization for construction does not include furniture and furnishings unless specifically provided.

Yours very truly,

J. GEORGE STEWART,
Architect of the Capitol.

Mr. JONES. Is there anything further, Mr. Stewart?

Mr. STEWART. No, sir. We will be glad to give you any other details or information you may wish.

Mr. JONES. I would appreciate your furnishing any other information members of the committee have asked for.

Our next witness is Mr. Rutherford D. Rogers, Acting Librarian of Congress. Mr. Rogers, please proceed.

STATEMENT OF RUTHERFORD D. ROGERS, ACTING LIBRARIAN OF CONGRESS

Mr. ROGERS. Thank you, sir.

Thank you for affording me the opportunity to comment on House Joint Resolutions 500 through 503 to authorize the Architect of the Capitol to construct a memorial to James Madison, and for other purposes.

The Library of Congress is interested in these joint resolutions in three principal respects:

(1) An underground structure, connected with the present Library buildings would provide space for certain collections of the Library including the papers of 23 of the Presidents of the United States.

(2) The superstructure would contain special facilities for scholars engaged in research in the materials mentioned in (1) immediately above.

(3) The Librarian of Congress would have "jurisdiction over, and responsibility for, the care, operation, and supervision of, the memorial and underground structure * * *."

As you know, the Library is in critical need of additional space. We have studied this matter very carefully in collaboration with the Architect of the Capitol and with other experts including associate architects appointed under authority of Public Law 86-469 to prepare preliminary plans for a third Library of Congress building. Projecting our needs for a period of approximately 25 years from the time an additional structure could be completed, we have determined that we shall require 1,993,260 net square feet of additional space. Inasmuch as the amount of space proposed for the underground structure of the Madison Memorial would be only 473,600 square feet, or about 24 percent of the total requirement, I would like to emphasize that although such space will be welcome it does not eliminate our requirement for a third Library building. Furthermore, even though the memorial space might become available at a fairly early date, there is a high priority need for another building for the collections and activities of the Library of Congress.

There is presently a severe shortage of research facilities such as those projected for the superstructure of the Madison Memorial, and this is a very commendable feature of the memorial.

Although we have not sought responsibility for the administration of the Madison Memorial, we favor the building of a memorial that is so suitably utilitarian, and because of the research facilities to be provided in the superstructure, it seems appropriate that the Library of Congress should be assigned jurisdiction over it.

May I call attention to the wording "other valued documents of the Library," page 2, line 11 (of H.J. Res. 500). Because of the close construction that might be placed on the word "document" and because we cannot foresee all the types of library material that it might be advisable at some time to house in the underground structure, I suggest that this subparagraph be amended to read "and other materials of the Library * * *"

Mr. DOOLEY. Will you repeat the last words, please?

Mr. ROGERS. Just the last words?

Mr. DOOLEY. Yes.

Mr. ROGERS. "And other materials of the Library * * *"

Mr. DOOLEY. Thank you.

Mr. ROGERS. In summary, the provision of additional space for the expansion of the Library in the area below the memorial grounds would be most welcome although—and I cannot emphasize this too strongly—it does not solve our space problem nor delay the urgent need for proceeding forthwith with plans for a third Library building. The idea of making the memorial superstructure serve a useful purpose is most commendable, and the assignment of jurisdiction to the Librarian of Congress extending his responsibilities in nature as well as scope is entirely agreeable to the Librarian of Congress. With the minor change in wording proposed, the Library looks with favor on this legislation.

Mr. DOOLEY. Is there any documentation in the Library of Congress of the Truman papers and the Roosevelt papers? As I understand, the papers are in Missouri and in Hyde Park and so on. Are there any duplicate copies of these papers in the Library of Congress?

Mr. ROGERS. Sir, we are creating at this time a bibliographical tool called the National Union Catalog of Manuscript Collections and this will contain descriptions, at least in general terms, of materials in these other repositories.

Mr. KUNKEL. Mr. Chairman, I have another committee and would like to be excused.

Mr. COOK. Thank you very much, Mr. Rogers.

Any further questions?

The next witness is Congressman Smith of Virginia. Congressman Smith, we will be glad to hear from you at this time.

STATEMENT OF HON. HOWARD W. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. SMITH. Mr. Chairman and gentlemen of the committee, on behalf of the James Madison Memorial Commission, I want to express our appreciation of your taking the time, at this very busy time, to give this matter such prompt consideration as you have. We are deeply grateful for it.

Mr. Chairman, my statement will be very brief. I am a member of the Commission and this memorial to James Madison is one that has been contemplated for many years, of course. James Madison was particularly famous as the student in the Constitutional Convention and is known to history as the Father of the Constitution. The idea is to have a memorial to him that will be significant of his work in the Constitutional Convention as well as his other great attributes.

It happens that at the first meeting of this Commission I suggested that it would be wise to have a memorial, if we are going to have one, that would have some useful purpose rather than being merely an ornamental memorial. The Commission was very much in favor of such an idea. And we thought it ought to be on Capitol Hill if an appropriate site could be had.

There has been a public misapprehension in some quarters about the cost of this memorial which I think should be made very clear. For some time it has been very obvious that the Library of Congress just

has to have additional quarters. So the conception of this matter is that it shall be not only ornamental so far as the Madison part is concerned, but that the whole enterprise should be a useful and necessary structure. So, through the kind cooperation of the House Office Buildings and Capitol Grounds Commission, it was arranged that the contemplated additional space for the Library of Congress, which is vitally necessary, should be built in connection with the Madison Memorial so that the underground space—and it is very fortunate that we have the location close to the present Library where we can have this underground space for extension of the Library, and, in the present situation, being underground is a great advantage for the ultimate preservation of important Presidential papers—but the Library part of this is some \$25 million, whereas this memorial, useful as it is, is only \$15 million out of the proposed estimated expenditure of \$40 million. So to say we are building a \$40 million monument to James Madison is a long way from the truth. The monument part is only \$15 million out of the \$40 million. I think that should be emphasized because there has been some public misapprehension about it.

If this is done—and I hope it will be done—you will have the necessary extension of the Library of Congress as well as a useful monument and memorial to James Madison, the Father of the Constitution, which will house his papers and be attractive not only to students but to the hordes of tourists who come here to visit and learn the operations of our Government.

I think that is all I have to say, and I appreciate very much the opportunity to be here this morning and hope we can get this thing moving along.

Mr. COOK. Congressman Smith, what are your views on Congressman Jones' statements with reference to the need for parking space for the public in this area because of this added attraction on Capitol Hill?

Mr. SMITH. I do not know what the parking arrangements are but I would hate to see this block defaced by a parking lot, or any part of it.

Mr. DOOLEY. Will the gentleman yield?

Mr. COOK. Yes.

Mr. DOOLEY. Did the Commission contemplate any public subscription for the Madison Memorial or is it all to be governmental?

Mr. SMITH. The resolution calls for it to be governmental, as all the other memorials have been. But, as I said before, I think this is the only monument erected to any of our great men of the past that is conceived in the idea that it shall be a useful one.

Mr. DOOLEY. I appreciate that.

Mr. COOK. Any further questions?

Mr. AUCHINCLOSS. Mr. Smith, can you tell us whether the James Madison Memorial Commission is unanimous on this?

Mr. SMITH. Yes.

Mr. AUCHINCLOSS. It is?

Mr. SMITH. I think they are enthusiastically unanimous as far as I know.

Mr. COOK. Any further questions?

Mr. HARVEY. Mr. Smith, I am one Member of Congress who has held your views in high regard, and it may be presumptuous for me

to ask you this question, but let me say I have told my constituents that I think it is time that we cut back on all nonessential expenditures, making, of course, all expenditures necessary for defense, and I am wondering, sir, if you think I can justify voting for this memorial in view of these feelings I have already transmitted to my constituents? I have considerable doubt, in looking at this, that it is an essential expenditure. I have heard you on the floor so many times and have held your views so highly that let me say if I vote for this resolution it will be because I hold your views in such high regard; but let me say I still have my doubts.

Mr. SMITH. Let me say I think we have doubts and mental arguments in our minds about many expenditures. Perhaps I am a little prejudiced, but I think we could well spend some money in trying to bring to the attention of the American people the fundamental principles upon which this Government is founded and of which Madison was one of the outstanding exponents. I believe if our schools and public institutions would give just half as much attention to bringing up a generation to carry on the future of this country in line with and acquainted with the fundamental principles upon which our Constitution was founded and upon which this Government was founded, it might bring us back to those fundamental principles of what our government is about, and particularly what our Federal Government is about. Our Federal Government was never conceived by Madison and Washington and those others on the basis of the welfare state. There is a clear conception of the purposes and limitations of the Federal Government outlined in the life and writings of Madison. If we could educate our people on that so they would take hold of those principles again, it would be the greatest thing we could do in many respects and also would have its effects on Federal expenditures.

Mr. HARVEY. If we could accomplish that, there would be no doubt in my mind.

Mr. SMITH. I think it would be money well expended.

Mr. HARVEY. What is bothering me is the deficit which Mr. Dillon says we will have with us.

Mr. SMITH. Mr. Harvey, the deficit has been bothering me a long time.

Mr. HARVEY. I know it has. That is why I bring it up here.

Mr. SMITH. I think you have a good point, but I have said what I think about it.

Mr. HARVEY. Thank you very much, sir.

Mr. EDMONDSON. Mr. Chairman, I regret I have another committee and must leave at this time. I would like to leave my proxy for the Smith resolution.

Mr. COOK. Any other questions?

Thank you very much for appearing, Congressman Smith.

The Chair understands there are no further witnesses to be heard and the committee will stand adjourned.

(Thereupon, at 10:45 a.m., the hearing on the above-entitled resolution was adjourned.)



87TH CONGRESS
1ST SESSION

H. R. 8355

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1961

Mr. BUCKLEY (by request) introduced the following bill; which was referred to the Committee on Public Works

A BILL

To authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That whenever a State or political subdivision or agency
4 thereof or any person makes application for the grant of an
5 easement in, over, or upon real property of the United
6 States for a right-of-way or other purpose, the executive
7 agency having control of such real property may grant to
8 the applicant, on behalf of the United States, such easement
9 as the head of such agency determines will not be adverse
10 to the interests of the United States, subject to such reserva-

1 tions, exceptions, limitations, benefits, burdens, terms, or con-
2 ditions, including those provided in section 2 hereof, as the
3 head of the agency deems necessary to protect the interests
4 of the United States. Such grant may be made without con-
5 sideration, or with monetary or other consideration, includ-
6 ing any interest in real property. In connection with the
7 grant of such an easement, the executive agency concerned
8 may relinquish to the State in which the affected real prop-
9 erty is located such legislative jurisdiction as the executive
10 agency deems necessary or desirable. Relinquishment of
11 legislative jurisdiction under the authority of this Act may
12 be accomplished by filing with the Governor of the State
13 concerned a notice of relinquishment to take effect upon ac-
14 ceptance thereof or by proceeding in such manner as the laws
15 applicable to such State may provide.

16 SEC. 2. The instrument granting any such easement may
17 provide for termination of the easement in whole or in part
18 if there has been—

19 (a) a failure to comply with any term or condition
20 of the grant, or

21 (b) a nonuse of the easement for a consecutive two-
22 year period for the purpose for which granted, or

23 (c) an abandonment of the easement.

24 If such a provision is included, it shall require that written
25 notice of such termination shall be given to the grantee, or

1 its successors or assigns. The termination shall be effective
2 as of the date of such notice.

3 SEC. 3. The authority conferred by this Act shall be in
4 addition to, and shall not affect or be subject to, any other law
5 under which an executive agency may grant easements.

6 SEC. 4. As used in this Act—

7 (a) The term “State” means the States of the Union,
8 the District of Columbia, the Commonwealth of Puerto Rico,
9 and the possessions of the United States.

10 (b) The term “executive agency” means any executive
11 department or independent establishment in the executive
12 branch of the Government, including any wholly owned Gov-
13 ernment corporation.

14 (c) The term “person” includes any corporation, part-
15 nership, firm, association, trust, estate, or other entity.

A BILL

To authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

By Mr. BUCKLEY

July 26, 1961

Referred to the Committee on Public Works

Aug 10, 1962

14. SUGAR. Rep. Langen stated there is a need for sugar legislation in this session of Congress, saying, "The Secretary of Agriculture says it is reasonable to expect that the recommendations made in 1962 will favor an expansion of beet sugar acreage. If it is reasonable in 1962, it should be reasonable right now." pp. 14324-5
15. SURPLUS FOODS. The Agriculture Committee reported without amendment S. 1873, to permit CCC commodities donated for use in home economics courses to also be used for training college students if the same facilities and instructors are used for training both high school and college students in home economics courses (H. Rept. 881). p. 14331
16. ASSISTANT SECRETARIES. The Interstate and Foreign Commerce Committee reported without amendment H. R. 6360, to authorize an additional Assistant Secretary of Commerce (H. Rept. 885). p. 14331
17. PUBLIC LANDS. The Agriculture Committee reported without amendment H. R. 3879, to authorize the Secretary of Agriculture to convey to Wyoming for agricultural purposes the SCS Farson Pilot Farm land in Sweetwater County, Wyo. (H. Rept. 883); H. R. 4821, to authorize the Secretary of Agriculture to convey a parcel of forest land to the town of Tellico Plains, Tenn. (H. Rept. 884); H. R. 6193, to authorize the Secretary of Agriculture to convey a tract of forest land in Wyoming to Fremont County. (H. Rept. 887); H. R. 3920, to authorize an exchange of land at the Agricultural Research Center (H. Rept. 897; and (with amendment) H. R. 4939, to provide for the conveyance by the Farmers Home Administration of all right, title, and interest of the U. S. in a certain tract of land in Jasper County, Ga., to the Jasper County Board of Education (H. Rept. 886). p. 14331
18. MANPOWER. The Education and Labor Committee reported without amendment H. R. 8399, relating to the occupational training, development, and use of the manpower resources of the Nation (H. Rept. 879). p. 14331
19. FOREIGN AID. The Rules Committee reported a resolution for the consideration of H. R. 8400, the foreign aid authorization bill. p. 14331
20. LANDS; EASEMENTS. The Subcommittee on Public Buildings and Grounds of the Public Works Committee voted to report to the full committee H. R. 8355, to authorize executive agencies to grant easements in, over, or upon real property of the U. S. under the control of such agencies. p. D693
21. REIMBURSEMENTS. The Subcommittee on Public Buildings and Grounds of the Public Works Committee voted to report to the full committee H. R. 8356, to authorize reimbursement to owners and tenants of certain lands or interest therein acquired by the U. S. for certain moving expenses and losses and damages. p. D693
22. PERSONNEL. The Subcommittee of the Post Office and Civil Service Committee voted to report to the full committee with amendments H. R. 6374, to clarify the application of the Government Employees Training Act with respect to payment of expenses of attendance of Government employees at certain meetings. p. D692
23. POWER TRANSMISSION. Rep. Aspinall urged the enactment of legislation for Federal transmission of power on the Colorado River storage project. pp. 14291-2

24. LEGISLATIVE PROGRAM. Rep. McCormack announced that H. R. 8400, the foreign aid bill, will be taken up Mon., and debate will continue throughout the week until this bill is disposed of. p. 14276
25. ADJOURNED until Mon., Aug. 14. pp. 14330-1

ITEMS IN APPENDIX

26. FOOD. Extension of remarks of Sen. Humphrey inserting an article, "Agriculture Studies Reds' Food Shortage." pp. A6239-40
27. FOREIGN AID. Extension of remarks of Rep. Harvey inserting an article discussing a report on the "almost total failure of the foreign aid program in Peru." pp. A6243-4
- Extension of remarks of Rep. Pelly inserting Rep. Ford's letter to the editor of the N. Y. Times discussing certain alleged statements made by Theodore Tennenwald, Special Asst. to the Secretary of State, regarding the proposed foreign aid program. pp. A6278-9
28. FARM PROGRAM. Extension of remarks of Rep. Harvey inserting an article, "Cadillac For Every Farm." pp. A6259-60
29. NATURAL RESOURCES; URBAN AFFAIRS. Extension of remarks of Rep. Mathias stating that "it is increasingly apparent that we must coordinate our efforts in the field of city planning, agriculture, natural resources, recreation, wildlife preservation, and sheer living and breathing space," and inserting an article, "U. S. Croplands Found Shrinking -- Million Acres Lost Yearly To Growth of Suburbs." p. A6268
30. ELECTRIFICATION; COOPERATIVES. Extension of remarks of Rep. Dent inserting REA Administrator Norman Clapp's address before the Northwestern Rural Electric Cooperative Association. pp. A6269-71
31. FOREIGN TRADE. Extension of remarks of Rep. Dent discussing the effects of foreign-made consumer goods on American business and workers. pp. A6280-1

BILLS INTRODUCED

32. PERSONNEL. H. R. 8648, by Rep. Corbett, to permit certain Government employees to elect to receive compensation in accordance with section 401 of the Federal Employees Pay Act of 1945 in lieu of certain compensation at a saved rate; to Post Office and Civil Service Committee.
- H. R. 8649, by Rep. Corbett, to amend the Federal Employees' Group Life Insurance Act of 1954 to provide for escheat of amounts of insurance to the insurance fund under such Act in the absence of any claim for payment; to Post Office and Civil Service Committee.
- H. R. 8656, by Rep. Pillion, to reduce nondefense personnel by 10 percent; to Post Office and Civil Service Committee.
33. EXPENDITURES. H. R. 8634, by Rep. Glenn, to help maintain the financial solvency of the Federal Government by reducing nonessential expenditures through reduction in personnel in various agencies of the Federal Government by attrition; to Post Office and Civil Service Committee.
34. FARM PROGRAM. H. R. 8638, by Rep. Ikard, Tex., "to amend the Agricultural Act of 1949"; to Agriculture Committee.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
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HIGHLIGHTS: Senate debated foreign aid authorization bill. House debated foreign aid authorization bill. Senate subcommittee tentatively approved bill for transfer of tobacco acreage allotments. Both Houses agreed to conference report on Treasury-Post Office appropriation bill. House committee reported bill to extend saline water conversion program.

HOUSE

- 1. APPROPRIATIONS.** Both Houses agreed to the conference report on H. R. 5954, the Treasury-Post Office appropriation bill for 1962. This bill will now be sent to the President. pp. 14736-7, 14839-41
Rep. Laird inserted letters from the President and HEW Secretary Ribicoff in connection with his objection to sending H. R. 7035, the Labor-Health, Education, and Welfare appropriation bill, to conference. pp. 14800-2
- 2. FOREIGN AID.** Continued debate on H. R. 8400, the foreign aid authorization bill. pp. 14737-80, 14789-93, 14798-800
- 3. SALINE WATER.** The Interior and Insular Affairs Committee reported with amendments H. R. 7916, to expand and extend the saline water conversion program being conducted by the Secretary of the Interior (H. Rept. 908). p. 14803
- 4. CIVIL DEFENSE.** The Armed Services Committee reported without amendment H. R. 8383, to amend the Federal Civil Defense Act of 1950 to ratify retroactive financial contributions made to States (H. Rept. 924), and H. R. 8406, to change

the name of the Office of Civil and Defense Mobilization to the Office of Emergency Planning (H. Rept. 926). p. 14804

5. TRANSPORTATION The Merchant Marine and Fisheries Committee reported with amendment H. R. 6732, to amend the Merchant Marine Act, 1936, to encourage the construction and maintenance of American-flag vessels built in American ship-yards (H. Rept. 922). p. 14804
6. BOTANIC GARDEN. The Agriculture Committee reported without amendment H. R. 5628, to provide for a study and investigation of the desirability and feasibility of establishing and maintaining a National Tropical Botanic Garden (H. Rept. 940). p. 14804
7. EASEMENTS. The Public Works Committee voted to report (but did not actually report) with amendments H. R. 8355, to authorize executive agencies to grant easements in, over, or upon real property of the U. S. under the control of such agencies. p. D713

SENATE

8. PERISHABLE COMMODITIES; PEANUTS. The Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Agriculture Committee voted to report to the full committee S. 1037, with amendment, to amend the Perishable Agricultural Commodities Act regarding fees, oral hearings, and relicensing of persons under the Act, and H. R. 1021, to extend for 2 years the definition of peanuts which is now in effect under the Agricultural Adjustment Act of 1938 so as to exclude from acreage allotments and marketing quotas any peanuts produced and marketed for consumption as boiled peanuts. p. D709
9. TOBACCO. The "Daily Digest" states that the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Agriculture Committee "gave tentative approval to H. R. 1022, providing for lease and transfer of tobacco acreage allotments." p. D709
10. FOREIGN AID. Continued debate on S. 1983, the foreign aid authorization bill, (pp. 14819-36, 14839, 14841-54, 14859). By a vote of 63 to 34, agreed to an amendment by Sen. Hickenlooper, as modified by a substitute amendment by Sen. Dirksen, to provide that development loans in excess of \$5,000,000 may not be made unless thirty days earlier a full report on the proposed loan is made to the Committees on Foreign Relations and Foreign Affairs of the Senate and House and the Committees on Appropriations of both Houses, and to provide that any of these committees may report a concurrent resolution to disapprove any such proposed loan. The substitute amendment by Sen. Dirksen was agreed to earlier by a vote of 52 to 44. The Hickenlooper amendment would have required the President to submit to Congress annually a budget program for foreign aid to be approved by affirmative action of Congress. (pp. 14821-35) Rejected an amendment by Sen. Lausche to reduce the authorization for the development loan fund from \$1,187 million to \$900 million for fiscal year 1962 and from \$1,900 million to \$1,600 million for each of the next 4 fiscal years (pp. 14851-3).
11. WATERSHEDS. Received from the Budget Bureau plans for works of improvements on the following watersheds: p. 14807
Sarasota west coast, Fla., Little Satilla Creek, Ga., Davids Creek, Davis-Battle Creek, and Ryan-Henschal, Iowa, Silver Creek, Kans., East Fork of Pond River, Ky., Tallahalla Creek, Miss., Souhegan River, N. H. and Mass., Ahoskie Creek, N. C., Cane Creek, Okla., Dunlap Creek, Pa., and West Fork Kickapoo, Wisc.; to Agriculture and Forestry Committee.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
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HIGHLIGHTS: House passed hog cholera eradication bill. House concurred in Senate amendments to bill to permit transfer of tobacco allotments. Both Houses passed appropriation continuation measure. House committee reported bill to establish Department of Urban Affairs and Housing.

HOUSE

1. HOG CHOLERA. Passed without amendment S. 1908, to direct the Secretary of Agriculture to initiate a national hog cholera eradication program, restrict the interstate movement of virulent or other hog cholera virus as necessary, and establish a committee to advise on the program. This bill will now be sent to the President. A similar bill, H. R. 7176, was passed earlier and tabled. pp. 16143-54
2. TOBACCO. Agreed to the Senate amendments on H. R. 1022, to authorize leasing of tobacco acreage allotments for the crop years 1962 and 1963. This bill will now be sent to the President. As passed, the bill will be inapplicable with respect to burley tobacco, and in the case of Maryland (type 32), leasing will be limited to those farms which have planted at least 75% of their Maryland allotments in each of the years 1960 and 1961. The leasing of allotments will be permitted only between farms in the same county, and not more than 5 acres will be permitted to be leased and transferred to any farm. p. 16154

3. HOUSING. The Government Operations Committee reported with amendments H. R. 8429, to establish a Department of Urban Affairs and Housing (H. Rept. 1053). p. 16188
4. EASEMENTS. The Public Works Committee reported with amendment H. R. 8355, to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies (H. Rept. 1044). p. 16188
5. SMALL BUSINESS. The Banking and Currency Committee reported without amendment H. R. 8870, the proposed Small Business Investment Act Amendments of 1961 (H. Rept. 1040). p. 16188

SENATE

6. WET LANDS; WATERFOWL. Passed, 65 to 8, H. R. 7391, to promote the conservation of migratory waterfowl by authorizing appropriations for a 5-year period, beginning with fiscal year 1962, of not to exceed \$50 million for the acquisition of wet lands and other essential waterfowl habitat (pp. 16066, 16068-70, 16071, 16076-82). Agreed to an amendment by Sen. Case, S. Dak., to prohibit the use of the migratory bird conservation fund for the acquisition of land without the approval in certain instances of the Governor of the State in which the land is located (pp. 16069-70).
7. TEMPORARY APPROPRIATIONS. Both Houses passed without amendment H. J. Res. 544, the appropriations continuation resolution to make temporary appropriations until Sept. 30, 1961, to those departments and agencies whose annual appropriation bills have not yet been enacted. This measure will now be sent to the President. The measure increases the amount for administrative expenses of area redevelopment programs from \$400,000 to \$600,000. pp. 16059-60, 16128-31
8. FORESTRY; SHORELINE AREAS. Passed with amendments S. 543, to promote the preservation of certain portions of the shoreline areas of the U. S., including a provision directing the Secretary of Agriculture to make a study of shoreline areas in the 181 million acres of national forests which are of value for recreational, cultural, physical and scientific purposes and to report his findings to Congress within 2 years (pp. 16082-92). Agreed to an amendment by Sen. McNamara to delete Pictured Rocks and Grand Sable Dunes and Sleeping Bear Dunes, Mich., from the areas in which the Secretary of the Interior is directed to make a study to determine what further action should be taken to preserve the areas (p. 16087).
Sen. Moss expressed opposition to a proposed amendment by Sen. Bennett to S. 174, the wilderness preservation bill, which is "intended to put the High Uintas Primitive Area into the wilderness preservation system without further review by the National Forest Service," and inserted a letter he received from the Forest Service stating that the High Uintas Primitive Area "in due course will be proposed for reclassification by the Secretary of Agriculture as a wilderness area under the procedures prescribed by Secretarial regulation." p. 16039
9. SALINE WATER. S. 2156, to expand and extend the saline water conversion program, was made the unfinished business of the Senate. pp. 16092-4
10. SMALL BUSINESS. The Banking and Currency Committee reported with amendment S. 836, the proposed Small Business Act Amendments of 1961 (S. Rept. 802). p. 16036

AUTHORIZING EXECUTIVE AGENCIES TO GRANT EASEMENTS
IN, OVER, OR UPON REAL PROPERTY OF THE UNITED STATES
UNDER THE CONTROL OF SUCH AGENCIES

AUGUST 28, 1961.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. JONES of Alabama, from the Committee on Public Works,
submitted the following

R E P O R T

[To accompany H.R. 8355]

The Committee on Public Works, to whom was referred the bill (H.R. 8355) to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

Page 3, after line 15, insert the following:

(d) The term "real property of the United States" excludes the public lands (including minerals, vegetative, and other resources) in the United States, including lands within reservations formed from the public domain and other lands permanently or temporarily withdrawn from any or all forms of appropriation provided for in the public land laws.

PURPOSE OF THE BILL

H.R. 8355 would grant authority to the heads of executive agencies having control over real property of the United States to grant, for a right-of-way or other purpose, such easements in, over, or upon such real property as the heads of such agencies determine would not be adverse to the interests of the United States.

GENERAL STATEMENT

The committee heard testimony by representatives of the General Services Administration in support of the bill who stated that the bill

is part of the legislative program of the General Services Administration for 1961.

Effective and efficient administration of the real property of the United States requires that executive agencies have authority to grant easements in, over, or upon property subject to their control. The Federal Property and Administrative Services Act of 1949 authorizes the Administrator of General Services to dispose of surplus property. Under this authority, easements in real property of the United States have been granted by determining such property rights as are required for the easement, first to be excess to the needs of the agency having control over the land, and then surplus to the needs of the Federal Government. Such procedure is unrealistic and unnecessarily cumbersome. Accordingly, it is felt advisable to vest all heads of executive agencies with authority to grant easements similar to that currently vested in the Secretaries of the military departments, the Administrator of Veterans' Affairs, and the Attorney General (10 U.S.C. 2668 and 2669, 38 U.S.C. 5014, and 43 U.S.C. 931a). At the same time it is deemed advisable not to limit a grant of such easements to enumerated purposes as is done in the above referred to authorizations. The committee is of the opinion, however, that the authority for granting such easements should not extend to real property within the concept of "public lands."

The committee believes there is no reason why easements in real property should not be granted to States, political subdivisions or agencies thereof, or any person, for right-of-way or other purposes, provided the head of the agency having control over such real property determines that the granting of such easement will not be adverse to the interests of the United States.

The committee is of the opinion that the head of the executive agency which has control of the real property can best determine whether the granting of an easement will interfere materially with the use of such property, and what, if any, consideration should be obtained for such easement. In addition, that official is considered best qualified to establish the restrictions or limitations on the easement necessary to protect the interests of the United States. Accordingly, the bill places the responsibility for making the necessary determinations on the head of the executive agency involved.

SECTION-BY-SECTION ANALYSIS

Section 1 provides authority for the executive agency having control over real property of the United States to grant an easement in, over, or upon real property of the United States for right-of-way or other purposes, upon application by a State, or political subdivision or agency thereof, or any person, provided the head of such executive agency determines that the granting of such easement will not be adverse to the interests of the United States. The head of the agency is authorized to impose such reservations, exceptions, limitations, benefits, burdens, terms, or conditions, including those set forth in section 2 of the bill, as he deems necessary to protect the interests of the United States. The bill authorizes the head of the executive agency to decide whether consideration should be obtained and, if so, the type. The consideration may consist of an easement or another interest in real property. The head of the executive agency is also

authorized to relinquish to the State in which the affected real property is located such legislative jurisdiction as the executive agency deems necessary or desirable.

Section 2 provides specific authority for including in the instrument granting any such easement a "reverter clause" providing for the termination of the easement under the circumstances stated in the bill. Any such provision must require written notice of termination of such easements to be given to the grantee, or its successors or assigns.

Section 3 is a "savings clause" to insure that the authority granted by the bill to heads of executive agencies shall not affect, or be subject to, any other law under which an executive agency may now grant easements.

Section 4 defines the terms used in the act.

Section 4(a) defines the term "State" to mean the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

Section 4(b) defines the term "executive agency" to mean any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

Section 4(c) defines the term "person" to include any corporation partnership, firm, association, trust, estate, or other entity.

Section 4(d) was added by the committee and defines the term "real property of the United States" so as to exclude therefrom the public lands (including minerals, vegetative, and other resources) in the United States, including lands within reservations formed from the public domain and other lands permanently or temporarily withdrawn from any or all forms of appropriation provided for in the public land laws.

The committee believes that H.R. 8355 will improve the present Government procedures for granting of easements. At present these procedures are unrealistic and result in undue delay to both the Federal Government and those dealing with it. Enactment of this bill will provide effective procedures in dealing with requests for easements, necessary to effective cooperation by the Federal Government in a variety of local and Federal building programs.

AGENCY VIEWS

The letter of June 12, 1961, from the Administrator of General Services recommending the legislation follows:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., June 12, 1961.

Hon. SAM RAYBURN,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith for referral to the appropriate committee, a draft bill prepared by this agency, to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

This proposal is a part of the legislative program of the General Services Administration for 1961.

The enclosed draft bill was prepared after considering legislation which vests similar authority in other executive agencies of the Government. The Secretary of each military department in the Department of Defense may grant easements for rights-of-way over, in, and upon public lands permanently withdrawn or reserved for the use of that department, and other lands under his control, to a State, territory, Commonwealth, or possession, or political subdivision thereof, or to a citizen, association, partnership, or corporation of a State, territory, Commonwealth, or possession for unenumerated purposes (10 U.S.C. 2668 and 2669). Both the Administrator of Veterans' Affairs and the Attorney General may grant on behalf of the United States to any State, or any agency or political subdivision thereof, or to any public-service company, easements in and rights-of-way over lands belonging to the United States which are under his supervision and control (38 U.S.C. 5014 and 43 U.S.C. 931a). Similarly, the Secretary of the Army may convey all right, title, and interest of the United States in and to any Government owned or controlled approach road to any national cemetery (24 U.S.C. 289).

In the last session of the Congress the act of July 7, 1960 (74 Stat. 363), authorized the head of any executive agency having control over the affected real property of the United States to convey or otherwise transfer, with or without consideration, to any State or political subdivision for an authorized widening of a public highway, street, or alley, such interest in such real property as he determines will not be adverse to the interest of the United States, subject to such terms and conditions as he deems necessary to protect the interest of the United States. After discussions with the Bureau of the Budget and as a corollary to the foregoing authority, we are of the opinion that each executive agency should have authority similar to that now vested in the Secretaries of the military departments, the Administrator of Veterans' Affairs, and the Attorney General. Rather than limit the grant of such easements to enumerated purposes, as is done in 10 U.S.C. 2668 and 2669, it is felt advisable to permit the head of the executive agency having control of property to grant the easement for such purpose as he deems advisable so long as the interests of the United States will not be adversely affected.

Except for collateral statutes such as those referred to above, present procedures for granting such easements in real property are unsatisfactory. Under the Federal Property and Administrative Services Act of 1949, as amended, an easement in real property of the United States must be treated as excess and surplus property before the easement may be granted. Such procedure is unrealistic and unnecessarily cumbersome.

The enclosed draft bill provides in section 1 that the executive agency having control over the affected real property may grant an easement therein only when the head of such agency determines it will not be adverse to the interests of the United States. Clearly, the head of the executive agency which has control of real property can best determine whether the granting of the easement will interfere materially with the use of such property. The grant will be subject to such reservations, exceptions, limitations, terms, conditions, benefits or burdens as he deems necessary to protect the interests of the United States. The bill further authorizes the head of the executive agency to decide whether consideration should be obtained and, if so,

the type. The consideration may consist of an easement or other interest in real property.

Section 1 of the bill provides further that in connection with such grant, the executive agency concerned may relinquish to the State in which the affected real property is located such legislative jurisdiction as the executive agency deems necessary or desirable. The relinquishment would be accomplished by filing with the Governor of the State concerned notice of the relinquishment, to take effect upon acceptance in accordance with the laws of such State.

Under section 2 of the bill the instrument granting the easement may provide for termination of the easement in whole or in any part if there has been (1) a failure to comply with any terms or conditions of the grant, or (2) a nonuse of the easement for a consecutive 2-year period for the purpose for which granted, or (3) an abandonment of the easement.

Since the proposed legislation is not intended to affect other laws relating to the granting of easements, section 3 of the bill provides that the authority therein shall be in addition to, and shall not affect or be subject to, any other law under which an executive agency may grant easements.

In our opinion, enactment of the proposed bill would not affect the budgetary requirements of GSA or any other executive agency.

For reasons outlined herein, prompt and favorable consideration of the enclosed draft bill is recommended.

The Bureau of the Budget has advised that, from the standpoint of the administration's objectives, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

JOHN L. MOORE, *Administrator.*

○



Union Calendar No. 437

87TH CONGRESS
1ST SESSION

H. R. 8355

[Report No. 1044]

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1961

Mr. BUCKLEY (by request) introduced the following bill; which was referred to the Committee on Public Works

AUGUST 28, 1961

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Insert the part printed in *italic*]

A BILL

To authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That whenever a State or political subdivision or agency
4 thereof or any person makes application for the grant of an
5 easement in, over, or upon real property of the United
6 States for a right-of-way or other purpose, the executive
7 agency having control of such real property may grant to
8 the applicant, on behalf of the United States, such easement
9 as the head of such agency determines will not be adverse

1 to the interests of the United States, subject to such reserva-
2 tions, exceptions, limitations, benefits, burdens, terms, or con-
3 ditions, including those provided in section 2 hereof, as the
4 head of the agency deems necessary to protect the interests
5 of the United States. Such grant may be made without con-
6 sideration, or with monetary or other consideration, includ-
7 ing any interest in real property. In connection with the
8 grant of such an easement, the executive agency concerned
9 may relinquish to the State in which the affected real prop-
10 erty is located such legislative jurisdiction as the executive
11 agency deems necessary or desirable. Relinquishment of
12 legislative jurisdiction under the authority of this Act may
13 be accomplished by filing with the Governor of the State
14 concerned a notice of relinquishment to take effect upon ac-
15 ceptance thereof or by proceeding in such manner as the laws
16 applicable to such State may provide.

17 SEC. 2. The instrument granting any such easement may
18 provide for termination of the easement in whole or in part
19 if there has been—

20 (a) a failure to comply with any term or condition
21 of the grant, or

22 (b) a nonuse of the easement for a consecutive two-
23 year period for the purpose for which granted, or

24 (c) an abandonment of the easement.

25 If such a provision is included, it shall require that written

1 notice of such termination shall be given to the grantee, or
2 its successors or assigns. The termination shall be effective
3 as of the date of such notice.

4 SEC. 3. The authority conferred by this Act shall be in
5 addition to, and shall not affect or be subject to, any other
6 law under which an executive agency may grant easements.

7 SEC. 4. As used in this Act—

8 (a) The term “State” means the States of the Union,
9 the District of Columbia, the Commonwealth of Puerto Rico,
10 and the possessions of the United States.

11 (b) The term “executive agency” means any executive
12 department or independent establishment in the executive
13 branch of the Government, including any wholly owned Gov-
14 ernment corporation.

15 (c) The term “person” includes any corporation, part-
16 nership, firm, association, trust, estate, or other entity.

17 (d) *The term “real property of the United States” ex-*
18 *cludes the public lands (including minerals, vegetative, and*
19 *other resources) in the United States, including lands within*
20 *reservations formed from the public domain and other lands*
21 *permanently or temporarily withdrawn from any or all forms*
22 *of appropriation provided for in the public land laws.*

87TH CONGRESS
1ST SESSION

H. R. 8355

[Report No. 1044]

A BILL

To authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

By Mr. BUCKLEY

JULY 26, 1961

Referred to the Committee on Public Works

AUGUST 28, 1961

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Sept 6, 1961

6. HOUSING. The Government Operations Committee reported with amendments S. 1633, to provide for the establishment of a Department of Urban Affairs and Housing (S. Rept. 879). p. 17162
Sen. Smith inserted a letter from the Governor of Mass. supporting the establishment of such a department. p. 17258
7. ELECTRIFICATION. Sen. Gruening inserted an article from the magazine Rural Electrification, "The Power of Alaska -- A Look at Electric Power Capabilities -- Present and Future -- In Our 49th State." pp. 17164-5
8. FOREIGN TRADE. Sen. Morse inserted an article, "British Common Market Bid Alarms Fruit Trade," and he stated that the entry of "Great Britain into the European Common Market have had repercussions which are arousing the concern of many growers of agricultural products." pp. 17165-6
Sen. Miller inserted an article, "U. S. Farmers Face Loss of Market in Europe -- Export Official Says Proposals Now Before Common Market Would Alter Exports." p. 17279
9. FARM LABOR. Sen. Young, O., commended Sen. Williams, N. J., for his efforts toward enactment of legislation to provide Federal assistance for migratory labor and inserted an article by Sen. Williams on this subject, "The Excluded." pp. 17168-70
10. APPROPRIATIONS. The supplemental appropriation estimate submitted by the President on Sept. 1 (H. Doc. 231). includes an item for \$1 million for the Commerce Department to improve the design and coverage of the science exhibits for the Century 21 Exposition to be held in Seattle, Wash.
11. TRANSPORTATION. Sen. Kefauver expressed opposition to certain provisions of H. R. 6775, to provide for the operation of steamship conferences, as reported by the Commerce Committee and contended that the Commerce Committee "not only eliminated the antitrust provisions, it added new provisions which would make the cartels even more powerful than they have been in the past." Also, he inserted correspondence with the Attorney General concerning provisions of the bill. pp. 17264-7
- FARM PROGRAM. Sen. Miller inserted a newspaper article, "Blight Upon the Farm," which "deals with statements, purportedly emanating from the Department of Agriculture, to the effect that there should be land reform in agriculture in the United States." p. 17279
13. LEGISLATIVE PROGRAM. Sen. Mansfield announced that the calendar will be called today, Sept. 7, and that the steamship conference bill will be considered later this week. pp. 17202, 17253-4

HOUSE

14. APPROPRIATIONS. The Appropriations Committee reported H. R. 9076, the public works appropriation bill (H. Rept. 1125). p. 17159
15. LANDS. Passed with amendment H. R. 4939, to provide for the conveyance by the Farmers Home Administration of all right, title, and interest of the U. S. in a certain tract of land in Jasper County, Ga., to the Jasper County Board of Education. Agreed to an amendment by Rep. Vinson to provide that the county must pay a "fair market value" for the land. pp. 17068-9

Passed as reported H. R. 6630, relating to conveyances of certain parts of rights-of-way by railroad companies. pp. 17083-5

Passed without amendment H. R. 7888, to extend the time within which land in certain reservoir projects in Texas may be reconveyed to the former owners thereof. p. 17085

16. CENTENNIALS. Passed without amendment S. J. Res. 98, to provide for the observance of the centennial of the enactment of the Homestead Act. This bill will now be sent to the President. p. 17075

17. TRANSPORTATION. Passed without amendment S. 1368, to provide for licensing independent ocean freight forwarders. This bill will now be sent to the President. p. 17092

The Rules Committee reported a resolution for the consideration of S. 320, to amend the Interstate Commerce Act so as to permit State commissions to grant the right to motor common carriers operating within a single State to engage in interstate or foreign operations within the boundaries of the State in which intrastate authority is being simultaneously authorized, and to authorize ICC to issue certificates of registration to existing carriers engaged in interstate operations under part II of the Act. p. 17159

18. EDUCATION. By a vote of 378 to 32, passed under suspension of rules H. R. 9000, to extend for two additional years the expired provisions of Public Laws 815 and 874, 81st Congress, (regarding aid for federally impacted areas), and the National Defense Education Act of 1958. pp. 17094-108

19. FOREIGN TRADE. The Banking and Currency Committee reported with amendments S. 2325, to amend the Export-Import Bank Act of 1945 (H. Rept. 1126). p. 17159

20. CULTURAL EXCHANGES. By a vote of 329 to 66, passed under suspension of the rules H. R. 8666, to provide for the improvement and strengthening of the international relations of the U. S. by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges. pp. 17119-31

21. BOTANIC GARDENS. At the request of Rep. Gross, passed over without prejudice H. R. 5628, to provide for a study and investigation of the desirability and feasibility of establishing and maintaining a National Tropical Botanic Garden. p. 17070

22. EASEMENTS. At the request of Rep. McIntire, passed over without prejudice H. R. 8355, to authorize executive agencies to grant easements in, over, or upon real property of the U. S. under the control of such agencies. p. 17078

23. WATERSHEDS. At the request of Rep. Anderson, Minn., passed over without prejudice H. R. 3801, to authorize the Secretary of the Army and the Secretary of Agriculture to make joint investigations and surveys of watershed areas for flood prevention or the conservation, development, utilization, and disposal of water. p. 17091

24. PEACE CORPS. The "Daily Digest" states that the Rules Committee "granted an open rule ... on H. R. 7500; to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower." p. D816

sity campuses are a prime target of these Red advances.

H.R. 8556 will give the National Science Foundation the legislative tools it requires to weed out these students before they can infect our schools while at the same time receive extraordinary scientific educations from our best schools at taxpayer expense.

This bill provides a severe criminal fine and penal sentence for any Communist who applies for a fellowship or scholarship award from the National Science Foundation. A prison term of not more than 5 years and a fine up to \$10,000 or both can result for a Communist who makes an unlawful application for an award.

Another provision of this bill to amend the 1950 act gives the National Science Foundation the needed authority to reject any application it deems not in the best interests of the United States.

The bill provides, furthermore, that every scientific award applicant swear allegiance to the United States and the Constitution. Persons seeking awards also will be required to furnish full statements on past criminal convictions punishable by 30 days or more imprisonment, and any information on any criminal charges pending at the time of the application.

When it is realized that, since 1950, a total of 18,000 National Science Foundation grants costing the taxpayers of this country \$54 million have been parceled out, we readily realize what a tremendous weapon this gives the Communists if they can deflect some of these scholarships to their coconspirators.

The dire need for this legislation was shockingly proved recently when it was disclosed that one Edward Yellin, a graduate student at the University of Illinois, had received a National Science Foundation grant of \$3,800 for 2 years' advanced engineering study.

I am most familiar with Mr. Yellin's record in the State of Indiana. Yellin was summoned as a witness by the House Un-American Activities Committee during hearings at Gary, Ind., in February 1958. Yellin refused to answer whether he belonged to the Communist Party and was later convicted of contempt of Congress. These hearings were designed to investigate Communist infiltration and colonization in the highly industrialized northern Indiana steel mill area.

Following Yellin's conviction by the Federal court in Hammond, Ind., the conviction was upheld by the U.S. circuit court of appeals.

Nearly 2 years after this episode in Indiana, which received widespread publicity during 1958, Mr. Yellin's name turned up again on June 8 of this year.

That was the date I learned from the House Un-American Activities Committee that this same Mr. Yellin, whose background and court record was so widely known, had been awarded a \$3,800 grant to continue his higher education at taxpayer expense.

I immediately brought this shocking situation to the attention of the House Committee on Science and Astronautics, and hearings were instituted as a result. The committee was just as appalled as

myself to learn of this highly undesirable award to a person of questionable loyalty.

Two days of hearings on the Yellin grant exhibited a most urgent need for remedial legislation to give the National Science Foundation Board unquestioned authority to refuse grants to persons whose faith and allegiance to the United States are questionable.

There was an expression from National Science Foundation officials during the hearing that under the present law their authority to reject applicants is limited, and their selections are based solely on merit and ability without reference to criminal or subversive background. This body, I am sure, is cognizant of the need to preserve intellectual freedom and furtherance of our scientific endeavors through the advanced education of our best young scientific minds. However, I do not subscribe to the proposition that men of science constitute some special or privileged class.

By the same token Members of this body are equally aware that there is an internal danger that rivals our security as surely as foreign military might. Without proper safeguards at the academic and scientific levels, we not only risk the loss of valuable secrets vital to our security but the more far-reaching danger of Communist infiltration and subversion on our college campuses where young, pliable minds may fall victim to insidious propaganda efforts of the enemy.

By enactment of this bill, we can give the National Science Foundation the tools to implement an anti-Communist award program that will forestall further cases of the Yellin type and insure that tax money goes to students of not only outstanding scientific ability and promise but of unquestioned loyalty to the United States of America.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. SIKES. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CAPE HATTERAS RECREATIONAL AREA, N.C.

The Clerk called the bill (H.R. 6729) to provide for the disposal of certain lands held for inclusion in the Cape Hatteras National Seashore Recreational Area, N.C., and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, could the gentleman from North Carolina, the author of the bill, tell me whether or not in the disposition of this land currently owned by the Federal Government there is a safeguard that this land will only be sold at a fair market value?

Mr. RUTHERFORD. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Texas.

Mr. RUTHERFORD. In response to the gentleman's question, this bill only encompasses releasing the Secretary of the Interior of ownership in this land and reverting it to the General Services Administration, and they will in turn, dispose of it in the normal procedure.

Mr. FORD. I notice in the summary of the legislation which I have before me that the land will be disposed of in accordance with the Federal Property and Administrative Services Act. I do not have a copy of that act before me. I only raise the question under that act, if this land is sold, will it be sold at the fair market value to the highest competitive bidder?

Mr. RUTHERFORD. I presume it will, but the purpose of this bill is not to sell or dispose of the land. It is to dispossess the Secretary of the Interior from further operation of the land. This is to release the land from ownership by the Secretary of the Interior and turn it over to the General Services Administration. They can either retain it or sell it, but the purpose of this bill is not to sell the land.

Mr. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tract of Federal property comprising eight and one-tenth acres of land situated in Dare County, North Carolina, approximately two miles north of Kitty Hawk, which was transferred to the administrative jurisdiction of the Department of the Interior by the Act of June 3, 1948 (62 Stat. 301; 16 U.S.C. 459a-4), to be administered as a part of the Cape Hatteras National Seashore Recreational Area, may be disposed of by the Administrator of General Services in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TEMPORARY APPOINTMENTS IN U.S. COAST GUARD

The Clerk called the bill (H.R. 8719) to amend the act of July 23, 1947, chapter 301, as amended, to extend for 2 years the authority to make temporary appointments and promotions in the U.S. Coast Guard.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16 of the Act of July 23, 1947, chapter 301 (61 Stat. 413; 14 U.S.C. 435, note), as amended, is amended, to read as follows:

"SEC. 16. Notwithstanding the limitations contained in subsection (a) of section 435, and subsection (a) of section 436, of title 14, United States Code, the authority granted by those sections may be exercised until—

"(1) such time as the Secretary of the Treasury determines that the number of officers holding permanent appointments on

the active list of the Coast Guard is equal to 95 per centum of the number of such officers authorized by law, exclusive of extra numbers; or

"(2) January 1, 1964; whichever occurs earlier."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPEALING PART OF THE ACT OF MARCH 2, 1889

The Clerk called the bill (S. 931) to repeal that part of the act of March 2, 1889, as amended, which requires that grantors furnish, free of all expenses to the Government, all requisite abstracts, official certifications and evidences of title.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in the third full paragraph on page 941 of volume 25 of the Statutes at Large, in the Act of March 2, 1889, as amended (40 U.S.C. 256), is hereby repealed.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING EASEMENTS IN REAL PROPERTY OF THE UNITED STATES

The Clerk called the bill (H.R. 8355), to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McINTIRE. Mr. Speaker, reserving the right to object, this bill is one of which there are a number of bills before our House Subcommittee on Forestry, and because of the fact that there are some areas here in which there is some common interest, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

GOVERNMENT-OWNED ELECTRIC AND TELEPHONE LINES

The Clerk called the bill (S. 1501) to authorize the Secretary of the Interior to contract for the sale, operation, maintenance, repair, or relocation of Government-owned electric and telephone lines and other utility facilities used for the administration of the Bureau of Indian Affairs.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, except for electric utility systems constructed and operated as a part of an irrigation system, the Secretary of the Interior is authorized to

contract under such terms and conditions as he considers to be in the best interest of the Federal Government for the sale, operation, maintenance, repairs, or relocation of Government-owned utilities and utility systems and appurtenances used in the administration of the Bureau of Indian Affairs. The Secretary shall not execute a contract pursuant to this Act until he has submitted to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives a copy of the contract and a statement of his reasons for proposing the contract, and until such materials have lain before the committees for sixty days (excluding the time during which either House is in recess for more than three days) unless prior thereto the Secretary is notified that neither committee has any objection to the proposed contract.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAND OF CHILOCCO INDIAN INDUSTRIAL SCHOOL, OKLAHOMA

The Clerk called the bill (S. 1807) to authorize the disposition of land no longer needed for the Chilocco Indian Industrial School at Chilocco, Okla.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any part of the lands that were reserved by section 10 of the Act of March 3, 1893 (27 Stat. 640), for the Chilocco Indian Industrial School until further action by Congress, and the improvements thereon, that become excess to the needs of the Bureau of Indian Affairs may be transferred or disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended or supplemented.

SEC. 2. The Secretary of the Interior is authorized to convey, without consideration, to Charlie Gray, his successors or assigns, and to Esau Greenwood, his successors or assigns, respectively, title to the homestead sites within the Chilocco Indian Industrial School Reserve that are described below when all payments required by their homestead agreements have been paid:

(a) Charlie Gray homestead: Beginning at a point 39 rods south of the northeast corner of the northeast quarter section 17, township 29 north, range 2 east, Indian meridian; thence 24 rods south, thence 33 1/3 rods west, thence 24 rods north, thence 33 1/3 rods east to point of beginning, containing 5 acres.

(b) Esau Greenwood homestead: Beginning at a point 67 rods north of southeast corner of the northeast quarter section 20, township 29 north, range 2 east, Indian meridian, thence north 20 rods, thence west 50 rods, thence south 10 rods, thence east 20 rods, thence south 10 rods, thence east 30 rods to point of beginning, containing 5 acres.

With the following committee amendments:

Page 1, lines 3 through 10, strike out all of section 1.

Page 1, line 11, strike out "SEC. 2. The" and insert in lieu thereof the words "That the".

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GIVING RESERVED MINERALS TO WALKER RIVER PAIUTE TRIBE

The Clerk called the bill (S. 2016) to give to the Walker River Paiute Tribe the reserved minerals underlying its reservation.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands set aside and added to the Walker River Indian Reservation, Nevada, by the Secretary of the Interior under the authority of section 2 of the Act of June 22, 1936 (49 Stat. 1806), are hereby withdrawn from all forms of exploration, location, and entry under the public land mining laws and the minerals underlying such lands are hereby made a part of the reservation to be held in trust by the United States of America subject to valid existing rights, and such minerals shall be subject to lease for mining purposes pursuant to the provisions of the Act of May 11, 1938 (52 Stat. 347; 25 U.S.C. 396a-g) as amended or supplemented.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FORT BELKNAP INDIAN IRRIGATION PROJECT

The Clerk called the bill (S. 2216) to authorize the transfer of three units of the Fort Belknap Indian irrigation project to the landowners within the project.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to transfer to an association or organization of the landowners whose lands are served by the following units of the Fort Belknap Indian irrigation project all of the right, title, and interest of the United States in the irrigation project works of each unit:

(1) Upper Peoples Creek (Hays) unit, located in township 26 north, ranges 23 and 24 east, P.M.M., about 24 miles south of the Fort Belknap agency headquarters.

(2) Big Warm unit, located along the east boundary of the Fort Belknap Reservation in township 27 north, range 26 east, P.M.M., about 36 airline miles from the Fort Belknap agency headquarters.

(3) Lower Peoples Creek (Ereaux) unit, located in the northeast corner of the Fort Belknap Reservation in townships 30 and 31, range 26 east, P.M.M., about 21 airline miles from the Fort Belknap agency headquarters.

The transferees shall thereafter have sole responsibility for the care, operation, and maintenance of the irrigation works of the units, and the United States shall have no responsibility therefor. The transfer of each unit shall be made in such form and under such conditions as the Secretary deems adequate to protect the interests of each landowner served by the unit, and shall include the rights-of-way for canals, laterals, and other project works that are transferred.

SEC. 2. The Secretary of the Interior is authorized to cancel all accrued operation and maintenance charges at the time a transfer authorized by section 1 of this Act is made.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Sept 18, 1961

annual premium rate of pay rather than the aggregate rate, otherwise known as saved pay. p. 18829

15. TRADEMARKS. Considered H. R. 4333, providing various amendments to the laws providing for the registration and protection of trademarks (pp. 18820-2). The "Daily Digest" states that this bill was passed. p. D870
16. COMPACTS. Passed as reported H. R. 7855, granting the consent of Congress to an amendment to a compact ratified by Louisiana and Texas relating to the waters of the Sabine River. pp. 18822-3
17. BOTANIC GARDEN. At the request of Rep. Gross, passed over without prejudice H. R. 5628, to provide for a study and investigation of the desirability and feasibility of establishing and maintaining the National Tropical Botanic Garden. p. 18818
18. EASEMENTS. At the request of Rep. McIntire, passed over without prejudice H. R. 8355, to authorize executive agencies to grant easements in, over, or upon real property of the U. S. under the control of such agencies. p. 18188
19. LEGISLATIVE PROGRAM. Rep. Albert announced that the Private Calendar will be called on Wed. p. 18865

SENATE

20. FARM PROGRAM. Sen. Humphrey discussed the role of American agriculture in our foreign aid program, stated that the areas in the world where Communist infiltration and control today constitute the greatest threat are agricultural areas, and stated that American agriculture can contribute to the foreign aid program by providing technological know-how for agricultural production, educational background and training for successful farming, economic and social know-how for land ownership, credit needs, and processing and marketing techniques, and assistance in developing peoples institutions, primarily co-operatives and rural credit unions. pp. 18720-1
Sen. Mundt inserted a speech by Rep. Berry in which he criticized the farm program and the area redevelopment program, stating that "During the past 10 years farm support programs have cost the American taxpayer about \$26 billion. During the same period we imported agricultural products valued at nearly \$42 billion." pp. 18811-12
21. PERSONNEL. Passed as reported H. R. 8765, to amend and clarify the reemployment provisions of the Universal Military Training and Services Act. p. 18741
22. PUBLIC LANDS. The Public Works Committee reported without amendment H. R. 7888, to extend the time within which land in certain reservoir projects in Texas may be reconveyed to the former owners (S. Rept. 1079). p. 18702
23. FOREIGN TRADE. Sen. Humphrey expressed concern over a petition pending before the Office of Civil and Defense Mobilization to establish either quotas or duties on the imports of farm twines, stating that the "effects on the American farmer of an adverse decision which would restrict the importation of farm twines into the United States would be very serious." pp. 18719-20
Sen. Dirksen stated that proposals of the European Economic Commission on some of our major agricultural export items "would greatly injure our current

agricultural trade," and urged the European Economic Community "to give us fair treatment for the exports of our agricultural commodities to this market."
p. 18732

24. APPROPRIATIONS. Received from the President supplemental appropriation estimates for fiscal years 1962 and 1961 (this supplemental does not include any items for this Department) (S. Doc. 51). p. 18701
25. SUGAR. The names of Sens. Carlson and Morse were added as cosponsors of S. 2526, to amend and extend the provisions of the Sugar Act of 1948. p. 18704
26. LEGISLATIVE ACCOMPLISHMENTS. Sen. Mansfield inserted a summary of major legislative action taken by the Senate through Sept. 15, 1961, as prepared by the Senate Democratic policy committee. pp. 18705-10
27. FISH FLOUR. Sens. Saltonstall and Douglas discussed the development of a new food product, fish flour, and Sen. Saltonstall stated that "Many top officials of the Federal Government believe now that whole fish flour offers an early solution to the problem of world hunger." pp. 18715-6
28. ELECTRIFICATION. Sen. Bennett charged that "the doctrinaire all-out espousal of public power by Secretary of Interior Stewart L. Udall is seriously threatening the future of the entire reclamation program," and inserted two articles on this subject. pp. 18729-30
29. VIRGIN ISLANDS. Passed over, at the request of Sen. Hart, H. R. 4750, to amend the Virgin Islands Corporation Act so as to increase the borrowing authority of the Corporation. p. 18741

ITEMS IN APRENDIX

30. FOOD FOR PEACE. Extension of remarks of Rep. Cooley stating that "I believe that the productivity of America's farmers is the greatest stabilizing force in the economy of the free world," and inserting an article in support of the food for peace program. pp. A7363-5
31. PEACE CORPS. Speech in the House by Rep. Lane in support of the establishment of a Peace Corps "as the first original and promising idea in the field of foreign relations that gets to the heart of the situation." pp. A7369-70
32. MEATPACKERS. Extension of remarks of Rep. Roosevelt commending Secretary Freeman, and this Department "under his able leadership" for the "prompt action against seven meatpacking companies, three national food store chains, and two lamb dealers for violation of the Packers and Stockyards Act." pp. A7372-3
33. APPROPRIATIONS. Extension of remarks of Rep. Whitten discussing his 19 years of service on the Appropriations Committee. pp. A7390-1

BILLS INTRODUCED

34. FORESTRY. H. R. 9274, by Rep. Grant, to authorize the Secretary of Agriculture to encourage and assist the several States in carrying on a program of forestry research; to Agriculture Committee.

House of Representatives

MONDAY, SEPTEMBER 18, 1961

The House met at 11 o'clock a.m. and was called to order by the Speaker pro tempore, Mr. McCORMACK.

Rev. Thomas Scannell, pastor, St. Michaels Roman Catholic Church, Annandale, Va., offered the following prayer:

For this brief minute our minds are united and focused on Thee our God. We address ourselves to Thee first as men, then as American men, and finally as Members of the Congress of the United States.

Very rightly, as human beings created by Thee, to Thee do we pay our homage. With all our minds and hearts and souls we acknowledge Thee our Lord God. Thee alone we adore.

Next we speak as American citizens. We offer thanks, deepest heartfelt thanks, for all the tremendous gifts, spiritual and material, that You have lavished upon us and upon our country.

Next, speaking as Members of this great lawmaking body, we earnestly beg Your divine guidance. Enlighten our minds so that we may know what is best for our own people and for all the peoples of the world who depend on us. Move our wills to act always as You would have us act.

And finally we speak to You O God as sons to a loving Father. We well know the tremendous responsibilities resting on our shoulders. The future course of the world, perhaps even the survival of the human race, depends in large part on the vision, the courage, the selflessness that we exercise in the discharge of our duties.

And only too well we know our human weaknesses. Without Your help, Lord, we can do nothing; with You beside us we can and we shall do all that must be done.

So help us God. Amen.

THE JOURNAL

The Journal of the proceedings of Saturday, September 16, 1961, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed the following resolution:

S. RES. 213

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. Overton Brooks, late a Representative from the State of Louisiana.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Repre-

sentatives and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate, at the conclusion of its business today, stand in recess until 12 o'clock noon on Monday next.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4317) entitled "An act to amend the Internal Revenue Code of 1954 and incorporate therein provisions for the payment of annuities to widows and certain dependents of the judges of the Tax Court of the United States."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8072) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1962, and for other purposes."

CERTAIN LANDS IN THE GRANITE CREEK AREA, ALASKA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2279) to provide for the withdrawal from the public domain of certain lands in the Granite Creek area, Alaska, for use by the Department of the Army at Fort Greely, Alaska, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 4, strike out "four hundred" and insert "five hundred and ninety".

Page 2, line 1, after "antemeridian)," insert "however excepting therefrom that portion of west one-half of section 26, township 12 south, range 10 east Fairbanks meridian lying east of the Richardson Highway."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AMBASSADOR STEVENSON ON AD-MISSION OF RED CHINA TO THE U.N.

(Mr. ELLSWORTH asked and was given permission to address the House

for 1 minute, and to revise and extend his remarks.)

Mr. ELLSWORTH. Mr. Speaker, yesterday our Ambassador to the United Nations, Hon. Adlai Stevenson, appeared on "Meet the Press."

He said that the question of the admission of Red China to the United Nations would be the main subject for consideration at the upcoming session of the U.N. General Assembly. He also said he hoped President Kennedy would make a major speech on disarmament at the U.N. this Thursday, but that he, Stevenson, has made no calculation of the effect of such a speech upon the Red China debate. In other words, our Ambassador to the United Nations has made no calculation of the effect of a disarmament speech by the President of the United States upon the most important question that will come before the U.N. General Assembly. Mr. Speaker, I wonder who, if anyone, has made such a calculation?

Then Ambassador Stevenson said he didn't know what the American people could do about it if Red China did get admitted to the United Nations.

The American people could do plenty about it, if they should want to. The American people still have their Representatives in Congress and the Congress still has the power of the purse.

Mr. Speaker, Ambassador Stevenson's appearance on the television was a disturbing thing, and I hope he does not necessarily speak for the President in every particular on the points I have mentioned.

CORRECTION OF ROLL CALL

Mr. LINDSAY. Mr. Speaker, on roll-call No. 209 I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the permanent RECORD and the Journal be corrected accordingly.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PEACE CORPS

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

The Chair hears none and, without objection, appoints the following conferees: Messrs. MORGAN, ZABLOCKI, KELLY, MERROW, and JUDD.

CONSENT CALENDAR

The SPEAKER pro tempore. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

PROVIDING FOR A SURVEY TO DETERMINE THE PRACTICABILITY OF ADOPTING THE METRIC SYSTEM OF WEIGHTS AND MEASURES

The Clerk called the bill (H.R. 2049) to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the United States of the metric system of weights and measures.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RECOGNIZING OFFICIAL SAN DIEGO AS THE BIRTHPLACE OF NAVAL AVIATION

The Clerk called House Concurrent Resolution 208.

The SPEAKER pro tempore. Is there objection to the present consideration of the House concurrent resolution?

Mr. HARDY, Mr. LANKFORD, and Mr. RYAN objected; and, under the rule, the concurrent resolution was stricken from the Consent Calendar.

DESIGNATING THE NEW LOCK ON THE ST. MARYS RIVER AT SAULT STE. MARIE, MICH., AS THE JOHN A. BLATNIK LOCK

The Clerk called the bill (H.R. 947) to designate the new lock on the Saint Marys River at Sault Sainte Marie, Mich., as the John A. Blatnik Lock.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CEDERBERG. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

NATIONAL BOTANIC GARDEN IN HAWAII

The Clerk called the bill (H.R. 5628) to provide for a study and investigation of the desirability and feasibility of establishing and maintaining a National Tropical Botanic Garden.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PROTECTION OF CERTAIN COMMUNICATIONS FACILITIES

The Clerk called the bill (S. 1990) to amend section 1362 of title 18 of the United States Code so as to further protect the internal security of the United States by providing penalties for malicious damage to certain communications facilities.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1362 of title 18 of the United States Code is amended to read as follows:

"§ 1362. Communication lines, stations, or systems

"Whoever willfully or maliciously injures or destroys any of the works, property, or material of any radio, telegraph, telephone or cable, line, station, or system or other means of communication, operated or controlled by the United States, or used or intended to be used for military or civil defense functions of the United States, whether constructed or in process of construction, or willfully or maliciously interferes in any way with the working or use of any such line, or system, or willfully or maliciously obstructs, hinders, or delays the transmission of any communication over any such line, or system, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

"In the case of any works, property, or material, not operated or controlled by the United States, this section shall not apply to any lawful strike activity, or other lawful concerted activities for the purposes of collective bargaining or other mutual aid and protection which do not injure or destroy any line or system used or intended to be used for the military or civil defense functions of the United States."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A motion to reconsider was on the table.

House Resolution 463 was laid on the table.

AUTHORIZING EASEMENTS IN REAL PROPERTY OF THE UNITED STATES

The Clerk called the bill (H.R. 8355) to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

Mr. MCINTIRE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

SURVEYS OF WATERSHED AREAS FOR FLOOD PREVENTION

The Clerk called the bill (H.R. 3801) to authorize the Secretary of the Army and the Secretary of Agriculture to make joint investigations and surveys of watershed areas for flood prevention or the conservation, development, utilization, and disposal of water, and for flood control and allied purposes, and to prepare joint reports on such investigations and surveys for submission to the Congress, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WHITTEN. Mr. Speaker, reserving the right to object, in 1948 in the bill I have the honor to handle the Committee on Appropriations provided that where the jurisdiction exercised by either the Corps of Engineers or the Department of Agriculture ended the other began. At that time we were having trouble getting the Corps of Engineers and the Department of Agriculture to fully meet the problem. Left was a sort of no man's land. In 1953 the Subcommittee on Agricultural Appropriations, of which I serve as chairman, set up the pilot watershed program, about 56 pilot plants over the Nation. This has led to the wonderful watershed and flood prevention programs that we have today, and with the Department of Agriculture leading the way, the Corps of Engineers is now cooperating.

Mr. Speaker, I wonder if my colleague, the author of the bill, Mr. SMITH, is on the floor.

Mr. EDMONDSON. Mr. Speaker, if the gentleman will yield, I am familiar with the bill and if the gentleman has a question concerning it, I shall try to answer it.

Mr. WHITTEN. Mr. Speaker, when something proves good almost everyone wants to move into the act. I am pleased to have all this present interest and support. On the particular bill back through the years the Soil Conservation Service tells me, as does the Corps of Engineers, that we have had complete cooperation and coordination in working out these programs. Each has the privilege of going over the studies and plans of the other and does do so.

As I am sure the gentleman can see, it is highly risky, if you provide for a joint survey and a joint report as this bill originally proposed the plans of the Department of Agriculture could be held up by the corps or by the Committee on Public Works.

I have talked to the Soil Conservation Service and that Service did not and does not recommend this bill. I am sure that they, like me, would oppose it unless the committee carries through with its assurance that the bill, H.R. 3801, be amended by adding at the end of the first section the following: "Provided, That the project authorization procedure established by Public Law 566, 83d Congress, as amended, shall not be affected."

And further the committee's commitment to strike out section 2 as follows:

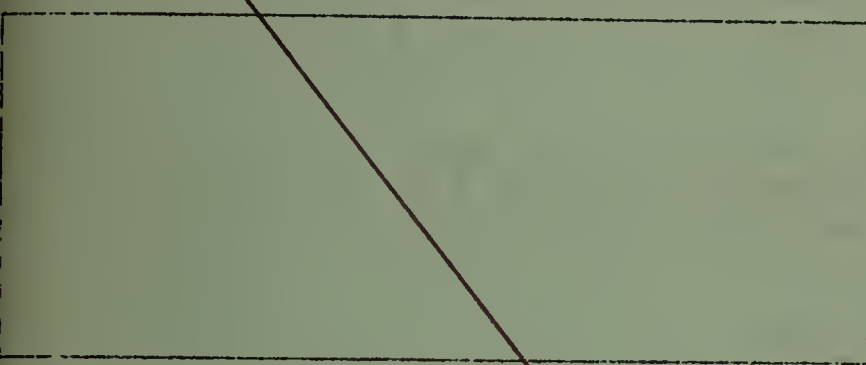
Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only
should not be quoted
or cited)

Issued February 6, 1962
For actions of February 5, 1962
87th-2d, No. 17



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HIGHLIGHTS: Senator Case, S. Dakota, criticized farm bill.

HOUSE

1. EASEMENTS. Passed with amendment H. R. 8355, to authorize executive agencies to grant easements in, over, or upon real real property of the U. S. under the control of such agencies. Agreed to an amendment by Rep. McFall to exclude Forest Service lands from the provisions of this bill. pp. 1424-5
2. FARM PROGRAM. Received from this Department a proposed farm bill; to Agriculture Committee. p. 1451
3. FEED GRAINS. At the request of Rep. Ford, passed over H. R. 8914, to permit producers on farms on which summer fallow is a normal practice to plant barley on land devoted to summer fallow during 1961 which is diverted from wheat under the 1962 Wheat Stabilization Program provided an overall reduction of 20% is made in corn, grain sorghums, and barley. p. 1425
4. BANKING. Received from the President a proposed bill "To amend the Bretton Woods Agreements Act to authorize the United States to participate in loans to the

International Monetary Fund to strengthen the international monetary system"; to Banking and Currency Committee. p. 1451

5. PUBLIC DEBT. The "Daily Digest" states that the "Committee on Ways and Means: Met in executive session and voted to instruct the chairman to introduce a bill, H. R. 10050, to provide a further temporary \$2 billion increase in the debt ceiling until June 30, 1962." p. D65
6. FOREIGN TRADE. Rep. Dent discussed foreign trade, saying, "for every job created by exports we lose five American jobs taken from us by imports." pp. 1445-50
7. LEGISLATIVE PROGRAM. Rep. Albert announced that H. R. 6360, to provide for an additional Assistant Secretary of Commerce, and H. R. 8399, the proposed Manpower Development and Training Act of 1962, will be considered this week. p. 1423

SENATE

8. FARM PROGRAM. Sen. Case, S. Dak., criticized the proposed farm bill, particularly titles III, IV, and V which he contended "will destroy farming as a way of life as we have known it in America. These titles, in effect, would put the producers of milk, turkeys, feed grains, and wheat on a franchise basis." p. 1468
9. EDUCATION. Continued debate on S. 1241, to authorize Federal assistance to institutions of higher education in financing the construction and improvement of educational facilities. pp. 1476-1510, 1514-34, 1536-9
10. FORESTRY. Sen. Allott reviewed and commended the recent report of the Outdoor Recreation Resources Review Commission and stated that "it does a great service by crystallizing the areas of interest and need." pp. 1534-5
Sen. Douglas commended the report as furnishing "the Congress with a systematic and convincing document in support of increased efforts to meet our national and regional recreation needs." p. 1540
Sen. McCarthy inserted the speech of Sen. Humphrey at the dedication of the Hubert H. Humphrey Forest in Israel discussing the importance of natural resource conservation. pp. 1472-3
11. AREA REDEVELOPMENT. Sen. Carroll commended the work of the Canon City (Colo.) Area Development Foundation, Inc., in promoting the economic development of the community and inserted a summary of the purposes and accomplishments of the Foundation. p. 1503
12. SCHOOL LUNCH. Sen. Humphrey commended the school lunch program as "one of the most successful and least troublesome of any of the programs sponsored by the Government and the Department of Agriculture," and inserted an editorial commending the program. pp. 1535-6
13. HOUSING. Several Senators debated the merits of the President's proposed reorganization plan to establish a Department of Urban Affairs and Housing. pp. 1510-4
14. BUDGET. Sen. Douglas discussed the comparative budgets of the U. S. and certain European countries, stated that "the budgets of many European countries show a surplus only because they do not include capital improvements in their



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PROCEEDINGS AND DEBATES OF THE 87th CONGRESS, SECOND SESSION

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No. 17

House of Representatives

The House met at 12 o'clock noon. Rabbi Harold T. Miller, Temple Judea, Philadelphia, Pa., offered the following prayer:

Our God and God of our fathers, grant us the peace that is Thine alone to give, and imbue us with the wisdom and determination to pursue it unswervingly. Render our hearts and minds sensitive to the real needs of all the people, our hands and tongues swift to serve them.

Bless Thou, we beseech, our beloved country that it may shine far and wide its beacon light of freedom, hope, and honest good will. Strengthen and guide our elected Representatives who serve as Members of this governing body; help them to make the vital choices which confront them today. Hear Thou their prayers, and may their decisions manifest Thy divine will.

Praised be Thou, O Lord, source of all wisdom and truth, giver of peace. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, February 1, 1962, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 612. Joint resolution making supplemental appropriations for the Veterans' Administration for the fiscal year ending June 30, 1962, and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 364, 87th Congress, had appointed the Senators from New Jersey, Mr. WILLIAMS and Mr. CASE, as members of the Woodrow Wilson Memorial Commission.

SWEARING IN OF MEMBER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas, Mr. RAY ROBERTS, be permitted to take the oath of office today. His certificate of election has not ar-

rived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ROBERTS appeared at the bar of the House and took the oath of office.

LEGISLATIVE PROGRAM FOR THIS WEEK

(Mr. HALLECK asked and was given permission to address the House for 1 minute.)

Mr. HALLECK. Mr. Speaker, may I inquire of the majority leader as to the program for the week, particularly having regard to the order in which the bills listed on the whip notice may be called.

Mr. ALBERT. Mr. Speaker, we plan to call the bills that were announced to be taken up last week in the following order:

First. H.R. 6360, additional Assistant Secretary, Department of Commerce.

Second. H.R. 8723, the Welfare and Pensions Plan Disclosure Act.

Third. H.R. 8399, Manpower Development and Training Act of 1962, if a rule is reported.

Fourth. H.R. 8617, Philippine War Damage Claims.

It is our hope and intention that we may finish this legislative program by Thursday afternoon.

Mr. HALLECK. May I say that certainly on this side of the aisle we will cooperate in that effort, because, as the gentleman knows, and as we have discussed with the Speaker, many Members on our side of the aisle are going to be out in their districts for services at the end of the week, and it would be helpful if we can conclude action on these matters by Thursday.

May I ask the majority leader, has a rule been granted on all of these?

Mr. ALBERT. All but the Manpower Development and Training Act of 1962. The Rules Committee will meet on that tomorrow.

Mr. HALLECK. I thank the gentleman.

MEMBERS OF THE BOARD OF VISITORS TO THE U.S. COAST GUARD ACADEMY

The SPEAKER laid before the House the following communication, which was read:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 2, 1962.

Hon. JOHN MCCORMACK,
Speaker of the House of Representatives,
U.S. Capitol Building,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to section 194 of title 14 of the United States Code, I have appointed the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the U.S. Coast Guard Academy for the year 1962: Hon. EDWARD A. GARMATZ, of Maryland; Hon. ALTON LENNON, of North Carolina; Hon. WILLIAM S. MAILLIARD, of California.

As chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

Sincerely,

HERBERT C. BONNER,
Chairman.

MEMBERS OF THE BOARD OF VISITORS TO THE U.S. MERCHANT MARINE ACADEMY IN 1962

The SPEAKER laid before the House the following communication, which was read:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 2, 1962.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
U.S. Capitol Building,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Public Law 301 of the 78th Congress, I have appointed the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the U.S. Merchant Marine Academy in 1962: Hon. HERBERT ZELENKO, of New York; Hon. THOMAS N. DOWNING, of Virginia; Hon. WILLIAM K. VAN PELT, of Wisconsin.

As chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

Sincerely,

HERBERT C. BONNER,
Chairman.

SPECIAL SUBCOMMITTEE ON ROADS OF THE PUBLIC WORKS COMMITTEE

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the Special Subcommittee on Roads of the Public Works Committee of the House may have permission to sit during the sessions of the House this week.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXPORTATION OF CERTAIN MATERIAL TO RUSSIA

(Mr. HARSHA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HARSHA. Mr. Speaker, why does not the left hand let the right hand know what it is doing? Frequently in this House we hear impassioned pleas that we must enact this legislation or that legislation to defeat communism, to halt Russia. January 31, 1962, the U.S. Commerce Department authorized the exportation of approximately one-half million dollars worth of parts and equipment to Russia for the construction of a pulp mill.

One of the major problems facing the pulp and paper industry is the competition from the Scandinavian countries and the Common Market. Now add to this the competition created by the United States in providing this equipment to Communist Russia and we will be compounding the industry's problems.

Russia has tremendous resources of timber and, with the advantage of American equipment and machinery, can, in the long run, be a very potent problem in the pulp and paper industry.

The Commerce Department should stop this threat before it gets out of hand and it should rescind these export licenses forthwith.

This action by the Department of Commerce has the potential of not only adding to the unemployment in this country and to the emasculation of another great industry but it is in effect sustaining the economy of the enemy.

Competition from Russia in this field would not only affect those who work directly with the industry, but also the farmers who supplement their income by the sale of pulp wood and the loggers who cut and deliver it to the mills.

The President is asking for greater authority in tariff reduction "to promote the strength and unity of the West" as one of the answers to the Communist trade offensive.

The President, in this message to Congress stated that "the Communist bloc, largely self-contained and isolated, represents an economic power already by some standards larger than that of Western Europe and hoping someday to overtake the United States."

Now are we going to assist them in this goal?

Such actions certainly make the embargo of Cuba appear hollow. We attempt to shut Castro off with the one

hand and with the other continue to assist and support the country that is furnishing him arms, supplies, and missiles with which to infiltrate the Western Hemisphere. When will we wake up?

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the calendar.

PRACTICABILITY OF ADOPTING THE METRIC SYSTEM

The Clerk called the bill (H.R. 2049) to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the United States of the metric system of weights and measures.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

THE JOHN A. BLATNIK LOCK IN MICHIGAN

The Clerk called the bill (H.R. 947) to designate the new lock on the St. Marys River at Sault Ste. Marie, Mich., as the John A. Blatnik lock.

Mr. WEAVER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

NATIONAL BOTANIC GARDEN IN HAWAII

The Clerk called the bill (H.R. 5628) to provide for a study and investigation of the desirability and feasibility of establishing and maintaining a National Tropical Botanic Garden.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, if my memory serves me correctly, this bill was called up under suspension of the rules and failed to obtain a two-thirds vote in the last session of the Congress.

Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZING EASEMENTS IN REAL PROPERTY OF THE UNITED STATES

The Clerk called the bill (H.R. 8355) to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I would like to ask someone representing the committee or some other Member whether or not it is contemplated that an amendment will be offered which will correct the provision to make this bill acceptable to those who object to its consideration on the Consent Calendar.

Mr. McFALL. Mr. Speaker, if the gentleman will yield, such is the case. There is an amendment at the desk which has been requested by the Committee on Agriculture which excludes from the operation of the bill lands administered by the U.S. Forest Service.

Mr. FORD. May I ask the gentleman from California whether one such amendment, I believe on page 3, would read substantially as follows: "and including lands administered by the U.S. Forest Service"?

Mr. McFALL. That is correct.

Mr. FORD. Mr. Speaker, I withdraw my reservation of objection.

Mr. GROSS. Mr. Speaker, further reserving the right to object, I would like to ask the gentleman the purpose of the bill, the necessity for the bill? It is not apparent to me in reading the report.

Mr. McFALL. If the gentleman will yield—

Mr. GROSS. Yes; I am happy to yield.

Mr. McFALL. Mr. Speaker, this bill was requested by the General Services Administration to give to the U.S. Government departments who do not now have the right, permission to grant easements over Federal lands to States and to persons where such is requested by those persons.

Mr. GROSS. Will the gentleman cite to us some difficulties that have been encountered? Can we have a specific example of difficulties that have been encountered in this respect?

Mr. McFALL. It is possible to do this at the present time, but it is necessary to have this land declared surplus. The General Services Administration advised us that the procedure for doing that is unnecessarily cumbersome. They feel that the department should have the right to do this in a simplified way, since the Attorney General now has that right and the Department of Defense has that right.

Mr. GROSS. What is the gentleman saying? Is the gentleman saying that the bill will facilitate the disposal of property held by the Government?

Mr. McFALL. No. It will facilitate the granting of easements to States and other public agencies where such would be required in the operation of the departments. For example, if the gentleman will yield further—

Mr. GROSS. Yes; that is what I want.

Mr. McFALL. Suppose there is a building and it is necessary to grant an easement to a city for an alleyway over that property, the agency would have the right to grant this to the city, in accordance with the provisions of the bill.

Mr. GROSS. If the gentleman will yield, would this facilitate in some way the construction of a \$75 million cultural

center down in Foggy Bottom? Would this in any way affect that deal?

Mr. McFALL. I would not think it would have any connection with that operation. I do not believe it would have any connection with it at all.

Mr. GROSS. Will this bill have any effect upon the deal near the Capitol where someone is talking about a monument to former President Madison, and someone else talks about an underground vault for presidential papers?

Mr. McFALL. I do not know of any such connection.

Mr. GROSS. This bill will not have anything to do with burying presidential papers in the area near the Capitol that was recently acquired by the Government?

Mr. McFALL. I do not think so. So far as I know it is confined to the granting of an easement for right-of-way purposes.

Mr. GROSS. This will not have anything to do with the action which the Justice Department has taken to convene a grand jury or go to Federal court over the negotiated settlements for some of that property? This will not have anything to do with that, will it?

Mr. McFALL. I do not believe so. The Attorney General already has this authority to deal with lands which are under his jurisdiction at the present time.

Mr. GROSS. And, if it does, does the gentleman suppose the Justice Department will investigate the Democrats as well as the Republicans insofar as those negotiated settlements are concerned?

Mr. McFALL. I would have no information concerning that.

Mr. GROSS. I see.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the requested consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever a State or political subdivision or agency thereof or any person makes application for the grant of an easement in, over or upon real property of the United States for a right-of-way or other purpose, the executive agency having control of such real property may grant to the applicant, on behalf of the United States, such easement as the head of such agency determines will not be adverse to the interests of the United States, subject to such reservations, exceptions, limitations, benefits, burdens, terms, or conditions, including those provided in section 2 hereof, as the head of the agency deems necessary to protect the interests of the United States. Such grant may be made without consideration, or with monetary or other consideration, including any interest in real property. In connection with the grant of such an easement, the executive agency concerned may relinquish to the State in which the affected real property is located such legislative jurisdiction as the executive agency deems necessary or desirable. Relinquishment of legislative jurisdiction under the authority of this Act may be accomplished by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof or by proceeding in such manner as the laws applicable to such State may provide.

SEC. 2. The instrument granting any such easement may provide for termination of the easement in whole or in part if there has been—

(a) a failure to comply with any term or condition of the grant, or

(b) a nonuse of the easement for a consecutive two-year period for the purpose for which granted, or

(c) an abandonment of the easement.

If such a provision is included, it shall require that written notice of such termination shall be given to the grantee, or its successors or assigns. The termination shall be effective as of the date of such notice.

SEC. 3. The authority conferred by this Act shall be in addition to, and shall not affect or be subject to, any other law under which an executive agency may grant easements.

SEC. 4. As used in this Act—

(a) The term "State" means the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(b) The term "executive agency" means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

(c) The term "person" includes any corporation, partnership, firm, association, trust, estate, or other entity.

With the following committee amendment:

Page 3, after line 16, insert the following:

"(d) The term 'real property of the United States' excludes the public lands (including minerals, vegetative, and other resources) in the United States, including lands within reservations formed from the public domain and other lands permanently or temporarily withdrawn from any or all forms of appropriation provided for in the public land laws."

Mr. McFALL. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. McFALL to the committee amendment: On page 3, line 22, strike the period, insert a comma, and add the following language: "and including lands administered by the U.S. Forest Service."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PARTICIPATION IN 1962 FEED GRAIN PROGRAM

The Clerk called the bill (H.R. 8914) to amend subsection (d) of section 16 of the Soil Conservation and Domestic Allotment Act, as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, it is my recollection that on September 18, 1961, by a vote of 213 to 149 this bill was not approved under suspension of the rules. Inasmuch as there was substantial objection to the legislation, Mr. Speaker, I withdraw my reservation of objection and ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PRINCE GEORGES COUNTY SCHOOL BOARD, MARYLAND

The Clerk called the bill (H.R. 6759) for the relief of the Prince Georges County School Board, Maryland.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDING THE BANKRUPTCY ACT, AS AMENDED

The Clerk called the bill (H.R. 5393) to amend the Bankruptcy Act, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (1) of subsection a of section 2 of the Bankruptcy Act approved July 1, 1898, as amended (11 U.S.C. 11(a)(1)), is amended to read as follows:

"(1) Adjudge persons bankrupt who have had their principal place of business, resided, or had their domicile within their respective territorial jurisdictions for the preceding six months, or for a longer portion of the preceding six months than in any other jurisdiction, or who do not have their principal place of business, reside, or have their domicile within the United States, but have property within their jurisdiction, or in any cases transferred to them pursuant to this Act;"

SEC. 2. Subsection a of section 2 of the Bankruptcy Act (11 U.S.C. 11(a)) is amended (1) by deleting the word "and" at the end of clause (20); (2) by striking out the period at the end of clause (21) and inserting "; and"; and (3) by adding the following new paragraph:

"(22) Exercise, withhold, or suspend the exercise of jurisdiction, having regard to the rights or convenience of local creditors and to all other relevant circumstances, where a bankrupt has been adjudged bankrupt by a court of competent jurisdiction without the United States."

SEC. 3. Subsection i of section 57 of the Bankruptcy Act (11 U.S.C. 93(i)) is amended to read as follows:

"i. Whenever a creditor whose claim against a bankrupt estate is secured, in whole or in part, by the individual undertaking of a person, fails to prove and file that claim, that person may do so in the creditor's name, and he shall be subrogated to the rights of the creditor, whether the claim has been filed by the creditor or by him in the creditor's name, to the extent that he discharges the undertaking except that in absence of an agreement to the contrary, he shall not be entitled to any dividend until the amount paid to the creditor on the undertaking plus the dividends paid to the creditor from the bankrupt estate on the claim equal the amount of the entire claim of the creditor. Any excess received by the creditor shall be held by him in trust for such person."

SEC. 4. Clause (6) of subsection a of section 58 of the Bankruptcy Act (11 U.S.C. 94(a)(6)) is amended to read as follows:

"(6) the proposed compromise of a controversy unless the court, for cause shown, directs that notice be not sent;"

SEC. 5. Subsection b of section 59 of the Bankruptcy Act (11 U.S.C. 95(b)) is amended to read as follows:

"b. Three or more creditors who have provable claims not contingent as to liability against a person, amounting in the aggregate to \$500 in excess of the value of any securities held by them, or, if all of the creditors of the person are less than twelve in number, then one or more of the creditors whose claim or claims equal that amount, may file a petition to have him adjudged a bankrupt; but the claim or claims, if unliquidated, shall not be counted in computing the number and the aggregate amount of the claims of the creditors joining in the petition, if the court determines that the claim or claims cannot be readily determined or estimated to be sufficient, together with the claims of the other creditors, to aggregate \$500, without unduly delaying the decision upon the adjudication."

SEC. 6. Clause (1) of subsection a of section 64 of the Bankruptcy Act (11 U.S.C. 104 (a) (1)) is amended to read as follows:

"(1) the costs and expenses of administration, including the actual and necessary costs and expenses of preserving the estate subsequent to filing the petition; the fees for the referees' salary and expense fund; the filing fees paid by creditors in involuntary cases or by persons other than the bankrupts in voluntary cases; where property of the bankrupt, transferred or concealed by him either before or after the filing of the petition, is recovered for the benefit of the estate of the bankrupt by the efforts and at the cost and expense of one or more creditors, the reasonable costs and expenses of the recovery; the trustee's expenses in opposing the bankrupt's discharge or in connection with the criminal prosecution of an offense punishable under chapter 9 of title 18 of the United States Code, or an offense concerning the business or property of the bankrupt punishable under other laws, Federal or State; the fees and mileage payable to witnesses as now or hereafter provided by the laws of the United States, and one reasonable attorney's fee, for the professional services actually rendered, irrespective of the number of attorneys employed, to the bankrupt in voluntary and involuntary cases, and to the petitioning creditors in involuntary cases, and if the court adjudges the debtor bankrupt over the debtor's objection or pursuant to a voluntary petition filed by the debtor during the pendency of an involuntary proceeding, for the reasonable costs and expenses incurred, or the reasonable disbursements made by them, including but not limited to compensation of accountants and appraisers employed by them, in such amount as the court may allow. Where an order is entered in a proceeding under any chapter of this Act directing that bankruptcy be proceeded with, the costs and expenses of administration incurred in the ensuing bankruptcy proceeding shall have priority in advance of payment of the unpaid costs and expenses of administration, including the allowances provided for in such chapter, incurred in the superseded proceeding and in the suspended bankruptcy proceeding, if any;"

SEC. 7. Subsection b of section 70 of the Bankruptcy Act (11 U.S.C. 110(b)) is amended to read as follows:

"b. The trustee shall assume or reject an executory contract, including an unexpired lease of real property, within sixty days after the adjudication or within thirty days after the qualification of the trustee, whichever is later, but the court may for cause shown extend or reduce the time. Any such contract or lease not assumed or rejected within that time shall be deemed to be rejected. If a trustee is not appointed, any such contract or lease shall be deemed to be rejected within thirty days after the date of the order directing that a trustee be not appointed. A trustee shall file, within sixty days after adjudication or within thirty days after he has qualified, whichever is later,

unless the court for cause shown extends or reduces the time, a statement under oath showing which, if any, of the contracts of the bankrupt are executory in whole or in part, including unexpired leases of real property, and which, if any, have been rejected by the trustee. Unless a lease of real property expressly otherwise provides, a rejection of the lease or of any covenant therein by the trustee of the lessor does not deprive the lessee of his estate. A general covenant or condition in a lease that it shall not be assigned shall not be construed to prevent the trustee from assuming the same at his election and subsequently assigning the same; but an express covenant that an assignment by operation of law or the bankruptcy of a specified party thereto or of either party shall terminate the lease or give the other party an election to terminate the same is enforceable. A trustee who elects to assume a contract or lease of the bankrupt and who subsequently, with the approval of the court and upon such terms and conditions as the court may fix after hearing upon notice to the other party to the contract or lease, assigns the contract or lease to a third person, is not liable for breaches occurring after the assignment."

SEC. 8. Subsection f of section 70 of the Bankruptcy Act (11 U.S.C. 110(f)) is amended to read as follows:

"f. The court shall appoint a competent and disinterested appraiser and upon cause shown may appoint additional appraisers, who shall appraise all the items of real and personal property belonging to the bankrupt estate and who shall prepare and file with the court their report thereof. Real and personal property shall, when practicable, be sold subject to the approval of the court. It shall not be sold otherwise than subject to the approval of the court for less than 75 per centum of its appraised value. Whenever a sale of real or personal property of a bankrupt is made by or through an auctioneer employed by the court, receiver, or trustee, the auctioneer must be a duly licensed or authorized auctioneer in the place where the sale is to be conducted."

SEC. 9. Subsection a of section 77 of the Bankruptcy Act (11 U.S.C. 205(a)) is amended to read as follows:

"(a) Any railroad corporation may file a petition stating that it is insolvent or unable to meet its debts as they mature and that it desires to effect a plan of reorganization. The petition shall be filed with the court in whose territorial jurisdiction the corporation, during the preceding six months or the greater portion thereof, has had its principal executive or operating office, and a copy of the petition shall at the same time be filed with the Interstate Commerce Commission (hereinafter called the 'Commission'). When any railroad, although engaged in interstate commerce, lies wholly within one State, the proceedings shall be brought in the United States district court for the district in which its principal operating office has been located during the preceding six months or the greater portion thereof. The petition shall be accompanied by payment to the clerk of a filing fee of \$100. Upon the filing of such a petition, the judge shall enter an order either approving it as properly filed under this section, if satisfied that it complies with this section and has been filed in good faith, or dismissing it, if he is not so satisfied. If the petition is so approved, the court in which the order is entered shall, during the pendency of the proceedings under this section and for the purposes thereof, have exclusive jurisdiction of the debtor and its property wherever located, and shall have and may exercise in addition to the powers conferred by this section all the powers, not inconsistent with this section, which a court of the United States would have had if it had appointed a receiver in equity of the prop-

erty of the debtor for any purpose. Process of the court shall extend to and be valid when served in any judicial district. The Supreme Court of the United States shall promulgate rules relating to the service of process outside of the district in which the proceeding is pending, and any other rules which it may deem advisable in order to aid district courts and courts of appeal in exercising the jurisdiction herein conferred upon them. The railroad corporation shall be referred to in the proceedings as a 'debtor'. Any railroad corporation the majority of the capital stock of which having power to vote for the election of directors is owned, either directly or indirectly through an intervening medium, by any railroad corporation filing a petition as a debtor may file, with the court in which the other debtor has filed such a petition, and in the same proceeding, a petition, a copy of which shall also be filed at the same time with the Commission, stating that it is insolvent or unable to meet its debts as they mature, and that it desires to effect a reorganization in connection with, or as a part of the plan of reorganization of the other debtor; and upon the filing of the petition, the judge shall enter an order either approving it as properly filed under this section, if satisfied that it complies with this section and has been filed in good faith, or dismissing it if not so satisfied, and thereupon the court, if it approves the petition, shall have the same jurisdiction with respect to such debtor, its property and its creditors and stockholders, as the court has with respect to the other debtor. Creditors of any railroad corporation, having claims aggregating not less than 5 per centum of all the indebtedness of the corporation as shown in the latest annual report which it has filed with the Commission at the time when the petition is filed, may, if the corporation has not filed a petition under this section, file with the court in which the corporation might file a petition under this section, a petition stating that the corporation is insolvent or unable to meet its debts as they mature and that the creditors have claims aggregating not less than 5 per centum of all such indebtedness of the corporation and propose that it shall effect a reorganization; copies of the petition shall be filed at the same time with the Commission and served upon the corporation. The corporation shall, within ten days after such service, answer the petition. If the answer admits the jurisdiction of the court and the material allegations of the petition, the judge shall enter an order approving the petition as properly filed if satisfied that it complies with this section and has been filed in good faith, or dismissing it, if not so satisfied. If the answer denies either the jurisdiction of the court or any material allegation of the petition, the judge shall summarily determine the issues presented by the pleadings without the intervention of a jury, and if he finds that the material allegations are sustained by the proofs and that the petition complies with this section and has been filed in good faith, the judge shall enter an order approving the petition; otherwise, he shall dismiss the petition. If such a petition is so approved, the proceedings thereon shall continue with like effect as if the railroad corporation had itself filed a petition under this section. If a petition is dismissed, neither the petition nor the answer of a debtor constitute an act of bankruptcy or an admission of insolvency or of inability to meet maturing obligations or be admissible in evidence, without the debtor's consent, in any proceedings then or thereafter pending or commenced under this Act or in any State or United States court. If, in any case in which the issues have not already been tried under the provisions of this subdivision, any of the creditors, prior to the hearing provided for in paragraph (1)

87TH CONGRESS
2D SESSION

H. R. 8355

IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 1962

Read twice and referred to the Committee on Public Works

AN ACT

To authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That whenever a State or political subdivision or agency
4 thereof or any person makes application for the grant of an
5 easement in, over, or upon real property of the United
6 States for a right-of-way or other purpose, the executive
7 agency having control of such real property may grant to
8 the applicant, on behalf of the United States, such easement
9 as the head of such agency determines will not be adverse
10 to the interests of the United States, subject to such reserva-

1 tions, exceptions, limitations, benefits, burdens, terms, or con-
2 ditions, including those provided in section 2 hereof, as the
3 head of the agency deems necessary to protect the interests
4 of the United States. Such grant may be made without con-
5 sideration, or with monetary or other consideration, includ-
6 ing any interest in real property. In connection with the
7 grant of such an easement, the executive agency concerned
8 may relinquish to the State in which the affected real prop-
9 erty is located such legislative jurisdiction as the executive
10 agency deems necessary or desirable. Relinquishment of
11 legislative jurisdiction under the authority of this Act may
12 be accomplished by filing with the Governor of the State
13 concerned a notice of relinquishment to take effect upon ac-
14 ceptance thereof or by proceeding in such manner as the laws
15 applicable to such State may provide.

16 SEC. 2. The instrument granting any such easement may
17 provide for termination of the easement in whole or in part
18 if there has been—

19 (a) a failure to comply with any term or condition
20 of the grant, or

21 (b) a nonuse of the easement for a consecutive two-
22 year period for the purpose for which granted, or

23 (c) an abandonment of the easement.

1 If such a provision is included, it shall require that written
2 notice of such termination shall be given to the grantee, or
3 its successors or assigns. The termination shall be effective
4 as of the date of such notice.

5 SEC. 3. The authority conferred by this Act shall be in
6 addition to, and shall not affect or be subject to, any other
7 law under which an executive agency may grant easements.

8 SEC. 4. As used in this Act—

9 (a) The term “State” means the States of the Union,
10 the District of Columbia, the Commonwealth of Puerto Rico,
11 and the possessions of the United States.

12 (b) The term “executive agency” means any executive
13 department or independent establishment in the executive
14 branch of the Government, including any wholly owned Gov-
15 ernment corporation.

16 (c) The term “person” includes any corporation, part-
17 nership, firm, association, trust, estate, or other entity.

18 (d) The term “real property of the United States” ex-
19 cludes the public lands (including minerals, vegetative, and
20 other resources) in the United States, including lands within
21 reservations formed from the public domain and other lands
22 permanently or temporarily withdrawn from any or all forms
23 of appropriation provided for in the public land laws, and

AN ACT

To authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

FEBRUARY 6, 1962

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Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued April 27, 1962
For actions of April 26, 1962
87th-2d, No. 65

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HIGHLIGHTS: Sen. Church opposed any control program for potatoes. Sen. Williams, Del., commended CSC withdrawal of guide on employee support of Federal programs.

SENATE

1. POTATOES. Sen. Church discussed the current situation with regard to potatoes, including proposals for national marketing orders and acreage allotments, stated that "elaborate controls ought not to be resorted to on the basis of one poor year," and that he "will oppose potato control legislation in this session of the Congress, regardless of what position the Department of Agriculture may take on the pending bills." pp. 6671-3
2. PROPERTY. The Public Works Committee voted to report (but did not actually report) with amendment H. R. 8355, to authorize executive agencies to grant easements in, over, or upon real property of the U. S. under the control of such agencies. p. D314
3. ROADS. The Public Works Committee voted to report (but did not actually report) S. J. Res. 137, to authorize the Secretary of Commerce to undertake studies and surveys relative to a highway construction program for Alaska. p. D314
4. WATERSHEDS. The Public Works Committee approved watershed projects at Florence area, Ariz., and North Branch Forest River, N. Dak. p. D314

5. PERSONNEL. Sen. Williams, Del., commended Civil Service Commission Chairman Macy for withdrawing a sentence in his memorandum issued to executive agencies on Jan. 10 which stated: "Aware of these implications, however, the career official may explain the position of the administration in the proposed legislation before interested public groups," and inserted the memorandum to agencies informing them of this action. Sen. Carlson also commended this action. pp. 6645-6
6. SALINE WATER. Sen. Yarborough commended and inserted an editorial commending the establishment of a saline water distillation plant at Freeport, Tex. pp. 6681-2
7. FOREIGN TRADE. Sen. Engle commended the program of the Department of Commerce of awarding E-for-Export Awards to organizations for significant contributions to the increase of U. S. exports, and inserted two articles on the program. pp. 6647-8
8. NATURAL RESOURCES. Sen. Proxmire inserted an article commending David Carley, head of the department of resource development in Wisc. pp. 6651-3
9. TRADE FAIRS. Sen. Proxmire contended that the recent Senate action appropriating \$15 million for a building at the New York World's Fair sponsored by the Federal Government provided that "New York would get everything from the Federal Government and give nothing." pp. 6653-4
10. NATIONAL ARBORETUM. Sen. Humphrey discussed and commended the work of the National Arboretum in conducting research on woody plants and shrubs. pp. 6654-6
11. LANDS. Sen. Hayden commended the work of the Bureau of Land Management, Department of the Interior, on its 159th anniversary. pp. 6658-9

BILLS INTRODUCED

12. SMALL BUSINESS. S. Res. 333, by Sen. Capehart, amending the resolution creating the Select Committee on Small Business; to Rules and Administration Committee. Remarks of author. p. 6643

PRINTED HEARINGS RECEIVED BY THIS OFFICE

13. TAXATION. H. R. 10650, proposed Revenue Act of 1962. Part 1. S. Finance Committee.
14. CIVIL DEFENSE. Civil defense -- 1962. Part 1: Testimony of witnesses; Part 2: Appendixes. H. Government Operations Committee.
15. EDUCATION. H. R. 10145, to improve the quality of elementary and secondary education. H. Education and Labor Committee.
16. TRANSPORTATION. S. 1197, amendment to Section 15a, Interstate Commerce Act (rule of ratemaking). Part 1. S. Commerce Committee.
17. FARM LABOR. S. 1130, H. R. 5285, 5849, 6114, 6480, 7088 and 8882, health clinics for migratory farmworkers. H. Interstate and Foreign Commerce Committee.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued April 30, 1962
For actions of April 27, 1962
87th-2d, No. 66

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HIGHLIGHTS: Senate committee reported farm bill. Sen. Humphrey commended use of labor union funds for farm loans.

SENATE

1. FARM BILL. The Agriculture and Forestry Committee reported without amendment S. 3225, a revised version of the farm bill (S. Rept. 1365). Sen. Ellender stated that it is an original bill and "a complete substitute for the bill introduced by me in the early part of February." pp. 6687-8
2. FARM LOANS. Sen. Humphrey commended the announcement that the International Ladies' Garment Workers' Union would invest \$20 million for Farmer Home Administration loans to be used to improve, enlarge, and purchase family farms, re-finance farm debts, and develop water systems for farm households and for irrigation, and inserted a release of this Department announcing the program after a meeting of the president of the union with Secretary Freeman. pp. 6731-2
3. FORESTRY. Sen. Morse discussed Forest Service policies regarding the sale of timber and construction of forest roads and their effects on the timber industry, and inserted correspondence with this Department regarding the situation. pp. 6733-41
4. PUBLIC WORKS. Sen. Robertson announced his intention to have S. 2965, to provide standby authority to accelerate public works programs, which was recently reported by the Public Works Committee, referred to the Banking and Currency

Committee for study of the method of financing the program. Sen. Case, S. Dak., expressed support for such a move. pp. 6692-3

5. PROPERTY. The Public Works Committee reported with amendment H. R. 8355, to authorize executive agencies to grant easements in, over, or upon real property of the U. S. under the control of such agencies (S. Rept. 1364). p. 6687
6. ROADS. The Public Works Committee reported without amendment S. J. Res. 137, to authorize the Secretary of Commerce, in cooperation with Alaska, to undertake studies and surveys relative to a highway construction program in Alaska (S. Rept. 1371). p. 6687
7. CIVIL DEFENSE. Received from the Defense Department reports on Federal contributions under the Federal Civil Defense Act of 1950 for the quarters ended Dec. 31, 1961, and March 31, 1962. p. 6686
8. TELECOMMUNICATIONS. Received from GSA a proposed bill "to amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for a Federal telecommunications fund"; to Government Operations Committee. p. 6686
9. CIVILIAN CONSERVATION CORPS. Received a Mass. General Court resolution urging enactment of legislation to provide for the "establishment of a new Civilian Conservation Corps." p. 6687
10. RECLAMATION. Received from Interior a report on the receipt of a project proposal from the Banta-Carbona Irrigation District of San Joaquin County, Calif. p. 6686
11. EXPORTS; FOREIGN TRADE. Sen. Robertson announced that a hearing will be held on May 2, 1962, on S. 3161, to provide for continuation of authority for regulation of exports. p. 6688
12. RECESSED until Mon., Apr. 30. p. 6742

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For supplemental information or copies of legislative material referred to, USDA personnel in Washington may call Ext. 4654 or send to Room 117-E.

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AUTHORIZING EXECUTIVE AGENCIES TO GRANT EASEMENTS IN,
OVER, OR UPON REAL PROPERTY OF THE UNITED STATES UNDER
THE CONTROL OF SUCH AGENCIES

APRIL 27, 1962.—Ordered to be printed

Mr. CHAVEZ, from the Committee on Public Works, submitted the following

REPORT

[To accompany H.R. 8355]

The Committee on Public Works, to whom was referred the bill (H.R. 8355) to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Strike out subsection 4(d), page 3, line 18, through line 2, page 4.

PURPOSE OF THE BILL

H.R. 8355, as amended, would grant authority to the heads of executive agencies having control over real property of the United States to grant, for a right-of-way or other purpose, such easements in, over, or upon such real property, to a State, political subdivision or agency thereof, or any person, with or without monetary consideration, as the heads of such agencies determine would not be adverse to the interests of the United States, subject to the necessary reservations, terms, or conditions, and also authorize relinquishment to the State in which the affected real property is located such legislative jurisdiction over such lands as the executive agency deems necessary or desirable.

GENERAL STATEMENT

The Secretary of each military department in the Department of Defense may grant easements for rights-of-way over, in, and upon public lands permanently withdrawn or reserved for the use of that department, and other lands under his control, to a State, territory,

Commonwealth, or possession, or political subdivision thereof, or to a citizen, association, partnership, or corporation of such entity, for certain enumerated purposes (10 U.S.C. 2668, 2669). Both the Administrator of Veterans' Affairs and the Attorney General may grant on behalf of the United States to any State or any agency or political subdivision thereof, or to any public service company, for public utility purposes, easements in, and rights-of-way over lands belonging to the United States which are under his supervision and control (38 U.S.C. 5014 and 43 U.S.C. 931a). Similarly, the Secretary of the Army may convey all right, title, and interest of the United States in and to any Government-owned or controlled approach road to any national cemetery (24 U.S.C. 289).

The Federal Property and Administrative Services Act of 1949 authorizes the Administrator of General Services to dispose of surplus property. Under this authority, easements in real property of the United States have been granted by determining such property rights as are required for the easement: (1) To be excess to the needs of the agency having control over the land, and (2) surplus to the needs of the Federal Government. Such procedure is unsatisfactory and unnecessarily cumbersome.

Public Law 608, 86th Congress (74 Stat. 363), authorized the head of any executive agency having control over the affected real property of the United States to convey or otherwise transfer, with or without consideration, to any State or political subdivision for an authorized widening of a public highway, street, or alley, such interest in such real property as he determines will not be adverse to the interest of the United States, subject to such terms and conditions as he deems necessary to protect the interests of the United States.

This legislation was requested by the Administrator of General Services to promote more effective and efficient administration of the real property of the United States. It would vest authority in all heads of executive agencies to grant easements similar to that currently vested in the Secretaries of the military departments, the Atomic Energy Commission, the Administrator of Veterans' Affairs, and the Attorney General, when the head of the agency having control over such real property determines that the granting of such easement will not be adverse to the interests of the United States. At the same time it does not restrict the proposed authority to the enumerated purposes set forth in existing authorizations. It will eliminate the need for many special acts of Congress dealing with this matter.

The grant of easement will be subject to such reservations, exceptions, limitations, terms, conditions, benefits, or burdens as the head of the agency deems necessary to protect the interests of the United States, and authorizes such agency head to determine whether consideration should be obtained, and if so, the type. The consideration may consist of an easement or other interest in real property. In connection with such grant, the executive agency concerned may relinquish to the State in which the real property is located such legislative jurisdiction as the executive agency deems necessary or desirable.

The bill provides for termination of the easement in whole or in part if there has been: (1) A failure to comply with any terms or conditions of the grant, or (2) a nonuse of the easement for a consecutive 2-year period for the purpose for which granted, or (3) an abandonment of the easement.

The authority granted would not affect, or be subject to any other law under which an executive agency may now grant easements. ✓

HEARING

The committee held a hearing on H.R. 8355 on April 11, 1962, where representatives of the General Services Administration, the Department of the Interior, and the National Park Service presented testimony in support of the bill. These representatives suggested an amendment which would exclude from the provisions of the bill real property within the concept of public lands.

COMMITTEE RECOMMENDATIONS

The committee believes that easements on or over real property of the United States should be granted to a State, political subdivision or agency thereof, or any person, for right-of-way or other purposes, provided that the granting of such easement will not be adverse to the interests of the United States.

The committee believes that H.R. 8355 will improve the present Government procedures for granting of easements. At present these procedures are unrealistic and result in undue delay to both the Federal Government and those dealing with it. Enactment of this bill will provide effective procedures in dealing with requests for easements, necessary to effective cooperation by the Federal Government in a variety of local and Federal building programs.

The committee is of the opinion that the head of the executive agency which has control of the real property can best determine whether the granting of an easement will interfere materially with the use of such property, and what, if any, consideration should be obtained for such easement. In addition, that official is considered best qualified to establish the restrictions or limitations on the easement necessary to protect the interests of the United States. Accordingly, the bill places the responsibility for making the necessary determinations on the head of the executive agency involved.

The committee does not believe that our public lands, national parks, national forests, and fish and wildlife preserves, should be excluded from the provisions of H.R. 8355. It believes that easements might be desired for power transmission lines, pipelines, waterlines, roads, and other public utilities or public service facilities, which serve a highly useful purpose, and that if the head of the executive agency determines that such easement is not adverse to the interests of the United States, it should be granted. An amendment deleting the exclusions of public lands from the bill is proposed, and enactment of H.R. 8355, as amended is recommended.

SECTION-BY-SECTION ANALYSIS

Section 1 provides authority for the executive agency having control over real property of the United States to grant an easement in, over, or upon real property of the United States for right-of-way or other purposes, upon application by a State, or political subdivision or agency thereof, or any person, provided the head of such executive agency determined that the granting of such easement will not be adverse to the interests of the United States. The head of the agency

4 AUTHORIZE EXECUTIVE AGENCIES TO GRANT CERTAIN EASEMENTS

is authorized to impose such reservations, exceptions, limitations, benefits, burdens, terms, or conditions, including those set forth in section 2 of the bill, as he deems necessary to protect the interests of the United States. The bill authorizes the head of the executive agency to decide whether consideration should be obtained and, if so, the type. The consideration may consist of an easement or another interest in real property. The head of the executive agency is also authorized to relinquish to the State in which the affected real property is located such legislative jurisdiction as the executive agency deems necessary or desirable.

Section 2 provides specific authority for including in the instrument granting any such easement a "reverter clause" providing for the termination of the easement under the circumstances stated in the bill. Any such provision must require written notice of termination of such easements to be given to the grantee, or its successors or assigns.

Section 3 is a "savings clause" to insure that the authority granted by the bill to heads of executive agencies shall not affect, or be subject to, any other law under which an executive agency may now grant easements.

Section 4 defines the terms used in the act.

Section 4(a) defines the term "State" to mean the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

Section 4(b) defines the term "executive agency" to mean any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

Section 4(c) defines the term "person" to include any corporation, partnership, firm, association, trust, estate, or other entity.

AGENCY COMMENTS

The letter from the Administrator of General Services recommending the legislation follows:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., June 12, 1961.

Hon. SAM RAYBURN,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith for referral to the appropriate committee, a draft bill prepared by this agency, to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

This proposal is a part of the legislative program of the General Services Administration for 1961.

The enclosed draft bill was prepared after considering legislation which vests similar authority in other executive agencies of the Government. The Secretary of each military department in the Department of Defense may grant easements for rights-of-way over, in, and upon public lands permanently withdrawn or reserved for the use of that department, and other lands under his control, to a State, territory, Commonwealth, or possession, or political subdivision thereof,

or to a citizen, association, partnership, or corporation of a State, territory, Commonwealth, or possession for enumerated purposes (10 U.S.C. 2668 and 2669). Both the Administrator of Veterans' Affairs and the Attorney General may grant on behalf of the United States to any State, or any agency or political subdivision thereof, or to any public-service company, easements in and rights-of-way over lands belonging to the United States which are under his supervision and control (38 U.S.C. 5014 and 43 U.S.C. 931a). Similarly, the Secretary of the Army may convey all right, title, and interest of the United States in and to any Government owned or controlled approach road to any national cemetery (24 U.S.C. 289).

In the last session of the Congress the act of July 7, 1960 (74 Stat. 363), authorized the head of any executive agency having control over the affected real property of the United States to convey or otherwise transfer, with or without consideration, to any State or political subdivision for an authorized widening of a public highway, street, or alley, such interest in such real property as he determines will not be adverse to the interest of the United States, subject to such terms and conditions as he deems necessary to protect the interest of the United States. After discussions with the Bureau of the Budget and as a corollary to the foregoing authority, we are of the opinion that each executive agency should have authority similar to that now vested in the Secretaries of the military departments, the Administrator of Veterans' Affairs, and the Attorney General. Rather than limit the grant of such easements to enumerated purposes, as is done in 10 U.S.C. 2668 and 2669, it is felt advisable to permit the head of the executive agency having control of property to grant the easement for such purpose as he deems advisable so long as the interests of the United States will not be adversely affected.

Except for collateral statutes such as those referred to above, present procedures for granting such easements in real property are unsatisfactory. Under the Federal Property and Administrative Services Act of 1949, as amended, an easement in real property of the United States must be treated as excess and surplus property before the easement may be granted. Such procedure is unrealistic and unnecessarily cumbersome.

The enclosed draft bill provides in section 1 that the executive agency having control over the affected real property may grant an easement therein only when the head of such agency determines it will not be adverse to the interests of the United States. Clearly, the head of the executive agency which has control of real property can best determine whether the granting of the easement will interfere materially with the use of such property. The grant will be subject to such reservations, exceptions, limitations, terms, conditions, benefits or burdens as he deems necessary to protect the interests of the United States. The bill further authorizes the head of the executive agency to decide whether consideration should be obtained and, if so, the type. The consideration may consist of an easement or other interest in real property.

Section 1 of the bill provides further that in connection with such grant, the executive agency concerned may relinquish to the State in which the affected real property is located such legislative jurisdiction as the executive agency deems necessary or desirable. The relinquishment would be accomplished by filing with the Governor of

6 AUTHORIZE EXECUTIVE AGENCIES TO GRANT CERTAIN EASEMENTS

the State concerned notice of the relinquishment, to take effect upon acceptance in accordance with the laws of such State.

Under section 2 of the bill the instrument granting the easement may provide for termination of the easement in whole or in any part if there has been (1) a failure to comply with any terms or conditions of the grant, or (2) a nonuse of the easement for a consecutive 2-year period for the purpose for which granted, or (3) an abandonment of the easement.

Since the proposed legislation is not intended to affect other laws relating to the granting of easements, section 3 of the bill provides that the authority therein shall be in addition to, and shall not affect or be subject to, any other law under which an executive agency may grant easements.

In our opinion, enactment of the proposed bill would not affect the budgetary requirements of GSA or any other executive agency.

For reasons outlined herein, prompt and favorable consideration of the enclosed draft bill is recommended.

The Bureau of the Budget has advised that, from the standpoint of the administration's objectives, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

JOHN L. MOORE, *Administrator.*



Calendar No. 1326

87TH CONGRESS
2D SESSION

H. R. 8355

[Report No. 1364]

IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 1962

Read twice and referred to the Committee on Public Works

APRIL 27, 1962

Reported by Mr. CHAVEZ, with an amendment

[Omit the part struck through]

AN ACT

To authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That whenever a State or political subdivision or agency
4 thereof or any person makes application for the grant of an
5 easement in, over, or upon real property of the United
6 States for a right-of-way or other purpose, the executive
7 agency having control of such real property may grant to
8 the applicant, on behalf of the United States, such easement
9 as the head of such agency determines will not be adverse
10 to the interests of the United States, subject to such reserva-

1 tions, exceptions, limitations, benefits, burdens, terms, or con-
2 ditions, including those provided in section 2 hereof, as the
3 head of the agency deems necessary to protect the interests
4 of the United States. Such grant may be made without con-
5 sideration, or with monetary or other consideration, includ-
6 ing any interest in real property. In connection with the
7 grant of such an easement, the executive agency concerned
8 may relinquish to the State in which the affected real prop-
9 erty is located such legislative jurisdiction as the executive
10 agency deems necessary or desirable. Relinquishment of
11 legislative jurisdiction under the authority of this Act may
12 be accomplished by filing with the Governor of the State
13 concerned a notice of relinquishment to take effect upon ac-
14 ceptance thereof or by proceeding in such manner as the laws
15 applicable to such State may provide.

16 SEC. 2. The instrument granting any such easement may
17 provide for termination of the easement in whole or in part
18 if there has been—

19 (a) a failure to comply with any term or condition
20 of the grant, or

21 (b) a nonuse of the easement for a consecutive two-
22 year period for the purpose for which granted, or

23 (c) an abandonment of the easement.

1 If such a provision is included, it shall require that written
2 notice of such termination shall be given to the grantee, or
3 its successors or assigns. The termination shall be effective
4 as of the date of such notice.

5 SEC. 3. The authority conferred by this Act shall be in
6 addition to, and shall not affect or be subject to, any other
7 law under which an executive agency may grant easements.

8 SEC. 4. As used in this Act—

9 (a) The term “State” means the States of the Union,
10 the District of Columbia, the Commonwealth of Puerto Rico,
11 and the possessions of the United States.

12 (b) The term “executive agency” means any executive
13 department or independent establishment in the executive
14 branch of the Government, including any wholly owned Gov-
15 ernment corporation.

16 (c) The term “person” includes any corporation, part-
17 nership, firm, association, trust, estate, or other entity.

18 ~~(d) The term “real property of the United States” ex-~~
19 ~~cludes the public lands (including minerals, vegetative, and~~
20 ~~other resources) in the United States, including lands within~~
21 ~~reservations formed from the public domain and other lands~~
22 ~~permanently or temporarily withdrawn from any or all forms~~

1 of appropriation provided for in the public land laws, and
 2 including lands administered by the United States Forest
 3 Service.

Passed the House of Representatives February 5, 1962.

Attest:

RALPH R. ROBERTS,

Clerk.

Calendar No. 1326

87TH CONGRESS
2^D SESSION

H. R. 8355

[Report No. 1364]

AN ACT

To authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

FEBRUARY 6, 1962

Read twice and referred to the Committee on Public Works

APRIL 27, 1962

Reported with an amendment

Calendar No. 1326

87TH CONGRESS
2^D SESSION

H. R. 8355

IN THE SENATE OF THE UNITED STATES

MAY 14, 1962

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. CASE of South Dakota to the bill (H.R. 8355) to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes, viz: On page 3, beginning with line 18 through line 3 on page 4, in lieu of the matter proposed to be stricken by the committee amendment insert the following:

- 1 (d) The term "real property of the United States" ex-
- 2 cludes the public lands (including minerals, vegetative, and
- 3 other resources) in the United States, including lands re-
- 4 served or dedicated for national forest purposes, lands ad-
- 5 ministered or supervised by the Secretary of the Interior in
- 6 accordance with the Act of August 25, 1916 (39 Stat. 535),

1 as amended and supplemented, Indian-owned trust and re-
2 stricted lands, and lands acquired by the United States pri-
3 marily for fish and wildlife conservation purposes and ad-
4 ministered by the Secretary of the Interior, lands withdrawn
5 from the public domain primarily under the jurisdiction of
6 the Secretary of the Interior, and lands acquired for national
7 forest purposes.

87TH CONGRESS
2^D SESSION

Calendar No. 1326
H. R. 8355

AMENDMENT

Intended to be proposed by Mr. Case of South
Dakota to the bill (H.R. 8355) to authorize
executive agencies to grant easements in,
over, or upon real property of the United
States under the control of such agencies,
and for other purposes.

MAY 14, 1962

Ordered to lie on the table and to be printed

May 17, 1962

19. BEEF GRADING. Sen. Javits referred to a recent article, "Consumers Purchases of Beef," relating "to the fat content as affected by the grading practices of the Department of Agriculture and the resultant consequences to be considered, the health of consumers," and inserted a letter from the Secretary discussing the points raised in the article. pp. 8050-3
20. RECLAMATION. Passed as reported S. 2179, to authorize the Secretary of the Interior to amend repayment contracts with irrigation districts to provide for block development where that was not originally provided for. pp. 8036-7
21. PERSONNEL. Passed with amendments S. 2919, to authorize certain retired personnel of the Federal Government to accept and wear decorations, presents, and other things tendered them by certain foreign countries. pp. 8004-29
22. FORESTRY. Sen. Magnuson announced that he intends to move to suspend the rules on H. R. 10802, the Interior Department and related agencies appropriation bill, in order to propose an amendment providing \$6 million for forest access roads. p. 7967
Passed without amendment H. R. 9097, to authorize the Secretary of Interior to sell certain public lands along the Snake River in Idaho which were omitted from surveys. This bill will now be sent to the President.
Consideration of an identical bill, S. 1485, was indefinitely postponed. p. 8037
23. SUGAR. Agreed to a unanimous consent request by Sen. Proxmire that the sugar bill (S. 3290) be allowed to stay at the desk until Wed., for additional co-sponsors. pp. 7967-8
24. LIVESTOCK. Sen. McGee said that "meatpackers no longer are necessarily the manipulators of the prices of livestock, as once was the case, as compared with the chainstore operators, who today purchase so large a percentage of all livestock products." p. 7986
25. HOMESTEAD. Sen. Burdick discussed the centennial of the Homestead Act, saying, "I want to pay tribute today to these stouthearted individuals, who in order to establish a new start, were willing to risk the uncertainties of a new, raw, sparsely settled region." p. 7973
26. AREA REDEVELOPMENT. Sen. Muskie inserted a commendatory article, "Depressed Areas Law Operations; Government Loan Aids Maine Plant." pp. 7973-4
27. PASSED OVER the following bills:
~~S. 819, at the request of Sen. Engle, to provide for suitable works of art in Federal buildings. p. 8004~~
~~S. 2965, at the request of Sen. Engle, to provide standby authority to accelerate public works programs. p. 8034~~
H. R. 8355, at the request of Sen. Engle, to authorize Federal agencies to grant easements in, over, or upon real property of the U. S. p. 8035
S. 3225, at the request of Sen. Engle, the omnibus farm bill. p. 8035
H. R. 10162, at the request of Sen. Engle, to amend the Bretton Woods Agreements Act to authorize U. S. participation in plans to the International Monetary Fund. pp. 8046-7
H. R. 10802, at the request of Sen. Carlson, the Interior Department and related agencies appropriation bill. p. 8049
28. ADJOURNED until Mon., May 21. p. 8077

ITEMS IN APPENDIX

29. PUBLIC WORKS. Extension of remarks of Sen. Robertson and Rep. Pelly inserting an article, "Two Billion Dollars Through the Back Door," criticizing "back-door spending approach" for public works programs. pp. A3682-3, A3701-2
30. FORESTS. Extension of remarks of Sen. Byrd, W. Va., inserting his statement before the Senate Interior and Insular Affairs Committee in support of S. 1798, to provide for the establishment and administration of an Allegheny Parkway in the States of W. Va., Ky., and Md. pp. A3688-9
31. FARM PROGRAM. Extension of remarks of Rep. Michel inserting an article, "Another Billion-Dollar Fizzle," criticizing the feed grain program. pp. A3693-4
- Extension of remarks of Rep. Edmondson inserting two prize-winning speeches by 4-H Club members. p. A3704
- Extension of remarks of Rep. Alger criticizing the Administration's farm program and inserting an article, "Kennedy To Get Farm If His Bill Is Passed." pp. A3715-6
32. WILDERNESS. Extension of remarks of Rep. Dingell inserting 2 articles, "Wilderness and the Self-Interest of Man," and "The De Facto Wilderness: What Is Its Place?" pp. A3697-8, A3728-30
33. FOREIGN TRADE. Extension of remarks of Rep. Bow stating that "numerous inaccurate statements have been made in connection with the current controversy on the U. S. foreign trade policy," and inserting an article, "Let's Look at the Facts." pp. A3699-701
34. MILK SANITATION. Extension of remarks of Rep. Quie inserting a letter he received from the Minnesota State Board of Health in which the board announced its support of H. R. 50 and S. 212, the proposed National Milk Sanitation Act. p. A3720

BILLS INTRODUCED

35. SUGAR. H. R. 11792, by Rep. Boggs, H. R. 11800, by Rep. Rogers, Fla., and H. R. 11805, by Rep. Willis, to amend and extend the provisions of the Sugar Act of 1948, as amended; to Agriculture Committee.
36. PERSONNEL. S. 3325, by Sen. Moss, to extend the application of the Classification Act of 1949 to certain positions in, and employees of, the executive branch of the Government; to Post Office and Civil Service Committee.
- H. R. 11806, by Rep. Dulski, to amend the Civil Service Retirement Act so as to provide for increases in annuities, eliminate the option with respect to certain survivor annuities, and provide for interchange of credits between the civil service retirement system and the insurance system established by title II of the Social Security Act; to Post Office and Civil Service Committee. Remarks of author. p. 7934
- H. R. 11807, by Rep. Dulski, to increase annuities under the Civil Service Retirement Act; to equalize increases in annuity for certain employees retired before October 1, 1956, with annuities of other employees; to increase annuities whenever there is a general adjustment of salaries or the formulas for computing annuities of retiring employees is generally liberalized; to Post Office and Civil Service Committee. Remarks of author. p. 7934
- H. R. 11808, by Rep. Dulski, to amend the Civil Service Retirement Act to provide for the adjustment of inequities; to Post Office and Civil Service Committee.

AUTHORITY FOR SECRETARY OF THE AIR FORCE TO ADMIT CITIZEN OF THAILAND TO U.S. AIR FORCE ACADEMY

The resolution (S.J. Res. 129) authorizing the Secretary of the Air Force to admit a citizen of the Kingdom of Thailand to the U.S. Air Force Academy was considered, and agreed to, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, within one year after the date of enactment of this joint resolution, the Secretary of the Air Force is authorized to admit Prabaddh Riddhagni, a citizen and subject of the Kingdom of Thailand, to the United States Air Force Academy for the purpose of receiving instruction at such Academy if the Secretary find the said Prabaddh Riddhagni to be mentally and physically qualified; but the United States shall not be subject to any expense on account of such instruction.

SEC. 2. Except as may be otherwise determined by the Secretary of the Air Force the said Prabaddh Riddhagni shall, as a condition to receiving instruction under the provisions of this joint resolution, agree to be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as cadets at the United States Air Force Academy appointed from the United States; but the said Prabaddh Riddhagni shall not be entitled to appointment to any office or position in the United States Air Force by reason of his graduation from the United States Air Force Academy.

SEC. 3. Nothing in this joint resolution shall be construed to subject the said Prabaddh Riddhagni to the provisions of section 9348 of title 10 of the United States Code.

LOAN OF ARMED FORCES EQUIPMENT TO BOY SCOUTS OF AMERICA FOR 1963 WORLD JAMBOREE IN GREECE

The bill (H.R. 9752) to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Greece in 1963, and for other purposes was considered, ordered to a third reading, was read the third time, and passed.

Mr. ENGLE. Mr. President, I ask unanimous consent that Senate bill 2719, Calendar No. 1325, be indefinitely postponed, it being identical with H.R. 9752, Calendar No. 1324, just passed.

The PRESIDING OFFICER. Without objection, Senate bill 2719 will be indefinitely postponed.

BILL PASSED OVER

The bill (H.R. 8355) to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes, was announced as next in order.

Mr. ENGLE. Over by request.

The PRESIDING OFFICER. The bill will be passed over.

ENFORCEMENT OF THE CUSTOMS AND IMMIGRATION LAWS

The bill (S. 2806) to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to increase the amounts authorized to be expended was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 26, 1930, as amended (19 U.S.C. 68), is further amended by amending the proviso to read as follows: "Provided, That the total amount which may be so expended for any one project, including the site, shall not exceed \$100,000, and that where the project is for the joint use of the customs service and the Immigration and Naturalization Service, the combined cost of the project, including the site, shall be charged to the two appropriations concerned."

BILLS PASSED OVER

The bill (S. 3099) to authorize an adequate White House Police Force, and for other purposes, was announced as next in order.

Mr. ENGLE. Over by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3123) to provide an office building for the Housing and Home Finance Agency was announced as next in order.

Mr. ENGLE. Over by request.

The PRESIDING OFFICER. The bill will be passed over.

FURNISHING OF COURT QUARTERS WHERE REGULAR TERMS OF COURT ARE AUTHORIZED

The Senate proceeded to consider the bill (S. 3156) to amend section 142 of title 28, United States Code, with regard to furnishing court quarters and accommodations at places where regular terms of court are authorized to be held, and for other purposes, which had been reported from the Committee on Public Works; with an amendment; on page 2, line 1, after the word "authorized", to insert "by law", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 142 of title 28, United States Code, is amended by adding at the end of such section the following: "The foregoing restrictions shall not, however, preclude the Administrator of General Services, at the request of the Director of the Administrative Office of the United States Courts, from providing such court quarters and accommodations as the Administrator determines can appropriately be made available at places where regular terms of court are authorized by law to be held, but only if such court quarters and accommodations have been approved as necessary by the judicial council of the appropriate circuit."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SITES FOR PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 3157) to repeal subsection (a) of section 8 of the Public Buildings Act of 1959, limiting the area in the District of Columbia within which sites for public buildings may be acquired, which had been reported from the Committee on Public Works, with an amendment, after line 5, to insert a new section, as follows:

SEC. 2. Subsections (b) and (c) of section 8 of the Public Buildings Act of 1959 (73 Stat. 481; 40 U.S.C. 607 (b) and (c)) are hereby redesignated as subsections (a) and (b), respectively, of such section.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 8 of the Public Buildings Act of 1959 (73 Stat. 481, 40 U.S.C. 607(a)) is hereby repealed.

SEC. 2. Subsections (b) and (c) of section 8 of the Public Buildings Act of 1959 (73 Stat. 481; 40 U.S.C. 607 (b) and (c)) are hereby redesignated as subsections (a) and (b), respectively, of such section.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION AND BILL PASSED OVER

The joint resolution (S.J. Res. 137) to authorize the Secretary of Commerce, in cooperation with the State of Alaska, to undertake studies and surveys relative to a highway construction program for Alaska, and for other purposes was announced as next in order.

Mr. ENGLE. Over by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3225) to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes, was announced as next in order.

Mr. ENGLE. Mr. President, the bill is not calendar business. I ask that it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

IMPROVEMENT OF LAND TENURE PATTERNS OF FORT BELKNAP RESERVATION

The Senate proceeded to consider the bill (S. 1316) to improve the land tenure patterns of the Fort Belknap Res-

ervation, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 7, after the word "Indian", to strike out "Community Council" and insert "community"; in line 8, after the word "authorized", to insert "subject to the provisions of the constitution of the community"; in line 10, after the word "of", to strike out "the community" and insert "the Fort Belknap Indian community", and on page 2, at the beginning of line 10, to strike out "trust for the individuals concerned and the instruments of conveyance shall be construed to have the same force and effect as a trust patent issued pursuant to section 5 of the Act of February 8, 1887 (24 Stat. 388), as amended and supplemented." and insert "trust for the individuals concerned and such lands shall have the same status as other trust lands held by individual Indians on the Fort Belknap Reservation. The title to lands conveyed to the community shall be held by the United States in trust for the community."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of improving the land tenure patterns on the Fort Belknap Reservation of the State of Montana for the mutual benefit of the Fort Belknap Indian community and the individual members thereof, the Fort Belknap Indian community, with the approval of the Secretary of the Interior, is authorized, subject to the provisions of the constitution of the community, to (1) sell and convey to individual members of the Fort Belknap Indian community any tribal lands or interests therein within such reservation; and (2) exchange any tribal lands or interests therein within such reservation for other lands or interests therein situated within the reservation in which any interest is now or hereafter held in trust by the United States for an Indian, or is now or hereafter owned by an Indian subject to restrictions against alienation or taxation.

Sec. 2. The title to lands conveyed to individual members of the community shall be held by the United States in trust for the individuals concerned and such lands shall have the same status as other trust lands held by individual Indians on the Fort Belknap Reservation. The title to lands conveyed to the community shall be held by the United States in trust for the community.

Sec. 3. The Secretary shall have authority to execute such instruments as may be necessary or appropriate to convey titles transferred pursuant to the provisions of this Act, and he is authorized to prescribe such regulations as may be necessary to carry out the provisions of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

CORRECTION OF DESCRIPTIONS OF CERTAIN LAND HELD IN TRUST

The bill (S. 2696) to correct certain land descriptions in the act entitled, "An act to declare that the United States holds in trust for the Santa Ana, Zia, Jemez, San Felipe, Santo Domingo, Cochiti, Isleta, and San Ildefonso certain public domain lands" was considered, ordered to be engrossed for a third

read, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act entitled "An Act to declare that the United States holds in trust for the pueblos of Santa Ana, Zia, Jemez, San Felipe, Santo Domingo, Cochiti, Isleta, and San Ildefonso certain public domain lands", approved September 14, 1961 (75 Stat. 500), is amended by striking out—

"Township 8 north, range 2 east:

"Section 4, lots 1, 2, 3, 4, 13, 14, 15, and 16, south half north half;

"Section 6, lots 1, 2, 12, 13, 14, and 15, northeast quarter east half northwest quarter."

and inserting in lieu thereof

"Township 8 north, range 1 east:

"Section 4, lots 1, 2, 3, 4, 13, 14, 15, and 16, south half north half;

"Section 6, lots 1, 2, 12, 13, 14, and 15, northeast quarter, east half northwest quarter."

LAND HELD IN TRUST BY UNITED STATES FOR PRAIRIE BAND OF POTAWATOMI INDIANS IN KANSAS

The bill (S. 2893) to declare that certain land of the United States is held by the United States in trust for the Prairie Band of Potawatomi Indians in Kansas was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to the following described land, and improvements thereon, are hereby declared to be held by the United States in trust for the Prairie Band of Potawatomi Indians in Kansas: Southeast quarter southeast quarter northeast quarter section 21, township 8 south, range 15 east, sixth principal meridian, Kansas, containing 10 acres, more or less.

CONVEYANCE OF CERTAIN INDIAN LANDS TO LITTLE FLOWER MISSION

The Senate proceeded to consider the bill (S. 2895) to provide for the conveyance of certain lands of the Minnesota Chippewa Tribe of Indians to the Little Flower Mission of the St. Cloud Diocese, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 4, after the word "is", to strike out "here" and insert "hereby", and on page 2, line 4, after "rights-of-way", to insert "The conveyance shall provide that title to the land shall revert to the United States in trust for the Minnesota Chippewa Tribe when it is no longer used for religious purposes."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, with the consent of the Minnesota Chippewa Tribe, is hereby authorized to convey to the Little Flower Mission of the Saint Cloud Diocese, without the payment of any consideration, all right, title, and interest of the United States of America and the Minnesota Chippewa Tribe in and to the following described land lo-

cated on the Mille Lacs Indian Reservation: Lot 7, section 28, township 43 north, range 27 west, fourth principal meridian, Minnesota, containing 4.78 acres, more or less, subject to the road right-of-way for Minnesota Trunk Highway Numbered 169, and all other valid existing rights-of-way. The conveyance shall provide that title to the land shall revert to the United States in trust for the Minnesota Chippewa Tribe when it is no longer used for religious purposes.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILL PASSED OVER

The bill (S. 1605) to authorize the Federal Power Commission to delegate its functions was announced as next in order.

Mr. ENGLE. Over by request.

The PRESIDING OFFICER. The bill will be passed over.

ADDITIONAL PROVISION FOR IRRIGATION BLOCKS

The Senate proceeded to consider the bill (S. 2179) to amend section 9(d) (1) of the Reclamation Project Act of 1939, to make additional provision for irrigation blocks, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 15, after the word "limits", to insert a colon and "Provided further, That, when the Secretary shall have deferred the payment of all or any part of any installments of construction charges under any repayment contract pursuant to the authority of the Act of September 21, 1959 (73 Stat. 584), he may, at any time prior to the due date prescribed for the first installment not reduced by such deferment, and by agreement with the contracting organization, terminate the supplemental contract by which such deferment was effected, credit the construction payments made, and exercise the authority granted in this section." and, in line 25, after "Sec. 3.", to strike out "Where the Secretary shall have deferred the payment of all or any part of any installments of construction charges under any repayment contract pursuant to the authority of the Act of September 21, 1959 (73 Stat. 584), he may, at any time prior to the due date prescribed for the initial installment under the contract prior to such deferment and by agreement with the contracting organization, cancel and make void the supplemental contract by which such deferment was effected and exercise the authority granted in this Act." and, in lieu thereof, to insert "In any repayment contract which provides for payment of construction charges by single annual installments, the Secretary may by agreement with the contracting organization amend such contract to provide for the payment of such annual installments in two parts on such dates in the calendar year as may best enable the contracting organization to meet its payments."; so as to make the bill read:

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued August 29, 1962
For actions of August 28, 1962
87th-2d, No. 154

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HIGHLIGHTS: House Rules Committee reported rule to send farm bill to conference. Several Senators defended Under Secretary Murphy against recent criticism. House passed appropriations continuation resolution. House began debate on public works acceleration bill. Rep. Johnson, Wis., inserted Secretary's statement criticizing CED farm policy report. Senate subcommittee voted to report roads bill. Senate committee reported measure for designation of National School Lunch Week.

HOUSE

1. **APPROPRIATIONS.** Passed without amendment H. J. Res. 864, the appropriations continuation resolution to make temporary appropriations until September 30, 1962, for those departments and agencies whose annual appropriation bills have not yet been enacted. p. 16847
2. **FARM PROGRAM.** The Rules Committee reported a resolution to send to conference H. R. 12391, the proposed Food and Agriculture Act of 1962. p. 16922
Rep. Johnson, Wis., criticized the farm policy proposals of the Committee for Economic Development and inserted a statement by Secretary Freeman criticizing these proposals. pp. 16909-12
3. **COMMITTEES.** Rep. Marshall resigned from, and Rep. Smith, Iowa., was elected to, the Appropriations Committee. p. 16847
4. **PUBLIC WORKS.** Began debate on H. R. 10113, the public works acceleration bill. pp. 16855-95

5. PARKS. Rep. Aspinall, Rep. Rutherford, and Rep. Saylor urged enactment of S. 2429, to revise the boundaries of the Virgin Islands National Park, St. John, V.I. pp. 16896-7
6. MILK. Rep. Halpern discussed the radioactive contamination of milk and said, "The problem of radioactive fallout is clearly a Federal responsibility." pp. 16918-20
7. PERSONNEL; VETERANS. Received from the Defense Department a proposed bill "to exempt certain Reserve officers of the Army or Air Force from the dual compensation restrictions of the Economy Act of June 30, 1962, as amended"; to Armed Services Committee. p. 16921

SENATE

8. FARM PROGRAM. Sens Morse, Burdick, Humphrey, Ervin, Sparkman, and Carroll commended the integrity, honesty, and public service of Under Secretary Murphy, and defended him against recent criticism relative to his role in the Estes case. pp. 16803-8
9. ROADS. The Subcommittee on Public Roads of the Public Works Committee voted to report to the full committee with amendments H. R. 12135, the road authorization bill. The "Daily Digest" states that one of the amendments would "add \$10 million for fiscal 1963 for forest roads and trails."
10. SCHOOL LUNCH. The Judiciary Committee reported without amendment S. J. Res. 211, providing for the designation of a week each year as National School Lunch Week (S. Rept. 1929). p. 16752
11. FORESTRY. The Interior and Insular Affairs Committee voted to report with amendment (but did not actually report) S. 2387, to authorize the establishment of the Canyonlands National Park, Utah. p. D778
Sen. Cooper submitted an amendment intended to be proposed to H. R. 8355, authorizing executive agencies to grant easement in, over, or upon real property of the U. S., so as to exclude lands reserved, dedicated, or acquired for national forest purposes. pp. 16753-4
12. TAXATION. Continued debate on H. R. 10650, the proposed Revenue Act of 1962 (pp. 16767-803, 16808-9, 16814-46). Agreed to the committee amendment relating to taxation of cooperatives, but deferred until later consideration of the committee amendment relating to deductions for farmers for land-clearing expenses (See Digest 150 for a summary of these amendments)(pp. 16767-90).
13. AMERICAN SAMOA. Agreed to the conference report on H. R. 10062, to extend the application of certain laws to American Samoa (see Digest 150 for an explanation of the bill as reported out of conference). p. 16813-4
14. LOANS. Agreed to the House amendments to S. 3327, to make certain federally impacted areas eligible for assistance under the public facility loan program. This bill will now be sent to the President. p. 16814
15. TRANSPORTATION. The Commerce Committee voted to report (but did not actually report) with amendment S. 3509, to place transactions involving unifications or acquisitions of control of freight forwarders under regulation of the Interstate Commerce Act. p. D778

Calendar No. 1326

87TH CONGRESS
2D SESSION

H. R. 8355

IN THE SENATE OF THE UNITED STATES

AUGUST 28, 1962

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. COOPER (for himself and Mr. KERR) to the bill (H.R. 8355) to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes, viz: On page 3, beginning with line 18 through line 3 on page 4, in lieu of the matter proposed to be stricken by the committee amendment insert the following:

- 1 (d) The term "real property of the United States" ex-
- 2 cludes the public lands (including minerals, vegetative, and
- 3 other resources) in the United States, including lands re-
- 4 served or dedicated for national forest purposes, lands ad-
- 5 ministered or supervised by the Secretary of the Interior in
- 6 accordance with the Act of August 25, 1916 (39 Stat. 535),
- 7 as amended and supplemented, Indian-owned trust and re-

1 stricted lands, and lands acquired by the United States pri-
 2 marily for fish and wildlife conservation purposes and ad-
 3 ministered by the Secretary of the Interior, lands withdrawn
 4 from the public domain primarily under the jurisdiction of
 5 the Secretary of the Interior, and lands acquired for national
 6 forest purposes.

87TH CONGRESS
 2d Session

H. R. 8355

Calendar No. 1326

AMENDMENT

Intended to be proposed by Mr. Cooper (for himself and Mr. Kerr) to the bill (H.R. 8355) to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

August 28, 1962

Ordered to lie on the table and to be printed

and certain basic allowances for quarters made in good faith to commissioned officers of the Public Health Service (Rept. No. 1962); H.R. 10493. An act to amend title 18, United States Code, section 4163, relating to discharge of prisoners (Rept. No. 1963);

H.R. 11017. An act to amend section 4281, title 18, of the United States Code to increase from \$30 to \$100 the amount of gratuity which may be furnished by the Attorney General to prisoners discharged from imprisonment or released on parole (Rept. No. 1964);

H.R. 11031. An act for the relief of George Wm. Rueff, Inc. (Rept. No. 1965);

H.R. 11122. An act for the relief of Edward J. McManus (Rept. No. 1966);

H.R. 11863. An act for the relief of Vernon J. Wiersma (Rept. No. 1967); and

H.R. 12157. An act to amend the Bankruptcy Act in respect to the salaries of retired referees (Rept. No. 1969).

By Mr. EASTLAND, from the Committee on the Judiciary with an amendment:

S. 972. A bill for the relief of Cristina Franco (Rept. No. 1939);

S. 1263. A bill for the relief of Marie Margaret Arvanetes (Rept. No. 1940);

S. 3419. A bill for the relief of Enrico Petrucci (Rept. No. 1941);

S. 3490. A bill for the relief of Oh Shin Young (Rept. No. 1942);

H.R. 2125. An act for the relief of Soon Tai Lim (Rept. No. 1970);

H.R. 3125. An act for the relief of Joao de Freitas Ferreira de Vasconcelos (Rept. No. 1971);

H.R. 3719. An act for the relief of Pagona Pascopoulos (Rept. No. 1972);

H.R. 6653. An act for the relief of Maurizio Placidi (Rept. No. 1973); and

H.R. 11914. An act for the relief of Charles Gambino (Rept. No. 1968).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 2753. A bill for the relief of Duk Man Lee and Mal Soon Lee (Rept. No. 1943);

H.R. 1461. An act for the relief of Pedro Blgornia Bandayrel (Rept. No. 1974);

H.R. 3619. An act for the relief of Gennaro Prudente (Rept. No. 1975); and

H.R. 7582. An act for the relief of Dario Tacquechel (Rept. No. 1976).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

H.R. 2292. An act to authorize the Secretary of the Treasury to issue certificates of honorable discharge in lieu of certificates of disenrollment to certain persons who served as temporary members of the U.S. Coast Guard Reserve during World War II (Rept. No. 1977).

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOLDWATER (by request):

S. 3680. A bill to amend section 13(g) of the Surplus Property Act of 1944 to prevent the granting of exclusive right to furnish gasoline and oil at airports subject to the provisions of that section; to the Committee on Government Operations.

By Mr. BUTLER:

S. 3681. A bill for the relief of Felicia Riess von Riesenhorst; to the Committee on the Judiciary.

By Mr. BARTLETT:

S. 3682. A bill for the relief of Patrick E. Eagan; to the Committee on the Judiciary.

By Mr. CARROLL:

S. 3683. A bill for the relief of Mrs. Evdokia Giorglaki; to the Committee on the Judiciary.

By Mr. DIRKSEN:

S.J. Res. 222. Joint resolution providing for the designation of the period October 1962 through October 1963 as "National Safety Council 50th Anniversary Year"; to the Committee on the Judiciary.

CONCURRENT RESOLUTION—NATIONAL RECOGNITION OF CIRCUS WORLD MUSEUM AT BARABOO, WIS.

Mr. WILEY submitted a concurrent resolution (S. Con. Res. 89) to grant national recognition to the Circus World Museum at Baraboo, Wis., which was referred to the Committee on the Judiciary.

(See the above concurrent resolution printed in full when submitted by Mr. WILEY, which appears under a separate heading.)

NATIONAL RECOGNITION OF CIRCUS WORLD MUSEUM AT BARABOO, WIS.

Mr. WILEY. Mr. President, I submit, for appropriate reference, a concurrent resolution to grant national recognition to the Circus World Museum at Baraboo, Wis.

The Circus World Museum at Baraboo represents a unique collection of circus showlife, history, and lore, including an unparalleled collection of authentic circus parade wagons, train cars, wardrobes, wood carvings, photographs, posters, and other paraphernalia of circus history; displays of accurate replicas of famous circus attractions and performances by a real trained animal circus; disseminates accurate circus history and includes cataloged and classified library collections of circus show life, history, and lore; and provides a center of national interest in the collection and preservation of significant physical evidence of circus history.

Established by the State Historical Society of Wisconsin, the Circus World Museum then deserves a circus-type "spotlight" in our national culture.

I request unanimous consent to have the text of the concurrent resolution printed at this point in the Record.

The PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred; and, under the rule, the concurrent resolution will be printed in the Record.

The concurrent resolution (S. Con. Res. 89) was referred to the Committee on the Judiciary, as follows:

Whereas the Circus World Museum has been established at Baraboo, Wisconsin, by the State Historical Society of Wisconsin; and

Whereas the Circus World Museum and the facilities of the State Historical Society of Wisconsin at Madison, Wisconsin, are set up to disseminate accurate circus history and include cataloged and classified library collections of circus show life, history, and lore; and

Whereas the Circus World Museum itself contains an unparalleled collection of authentic circus parade wagons, train cars, wardrobes, woodcarvings, photographs, posters, and other paraphernalia of circus history; and

Whereas there are numerous additional features at the Circus World Museum such as displays of accurate replicas of famous circus attractions, and performances by a real trained animal circus; and

Whereas this prodigious collection and display insures for the Circus World Museum its place as a center of national interest for the collection and preservation of significant physical evidence of circus history: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby recognizes the Circus World Museum to be an institution deserving of national interest as a fitting and valuable center for the collection and preservation of the memorabilia of circus history.

ESTABLISHMENT OF THE ROGER WILLIAMS NATIONAL MONUMENT—AMENDMENTS

Mr. PASTORE (for himself and Mr. PELL) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 1679) to provide for the establishment of the Roger Williams National Monument, which were referred to the Committee on Interior and Insular Affairs, and ordered to be printed.

ADMITTANCE OF THE VESSEL "CITY OF NEW ORLEANS" TO AMERICAN REGISTRY—AMENDMENTS

Mr. BUTLER submitted amendments, intended to be proposed by him, to the bill (S. 3115) to authorize the admittance of the vessel, *City of New Orleans*, to American registry and to permit the use of such vessel in the coastwise trade, which were ordered to lie on the table and to be printed.

GRANTING OF EASEMENTS IN, OVER, OR UPON CERTAIN REAL PROPERTY UNDER CONTROL OF EXECUTIVE AGENCIES—AMENDMENT

Mr. COOPER. Mr. President, I send to the desk, for myself and the senior Senator from Oklahoma [Mr. KERR], an amendment to H.R. 8355, Calendar No. 1326, and ask that it be printed.

H.R. 8355, authorizing executive agencies to grant easements in, over, or upon real property of the United States, was reported to the Senate by the Public Works Committee on April 27, with a committee amendment to strike out subsection 4(d), page 3, line 18, through line 2, page 4.

The effect of the amendment I have sent to the desk is to restore the substance of the subsection proposed to be stricken by the committee amendment, and to maintain the intent of the bill as passed by the House. My amendment is identical to an amendment now lying on the table, which was offered on May 14 by the late Senator Case of South Dakota, while he was the ranking minority member of the committee.

I understand that when the bill was discussed in committee, it was felt that subsection 4(d) could well be deleted. However, after the bill was reported it was found that without the subsection,

the authority granted would include the granting of easements across Forest Service lands, National Park Service lands, and other lands which had not been considered by any of the Senate committees. Therefore, the bill as reported raised new questions, and it has not been acted upon by the Senate.

The amendment previously offered by Senator Case, which I understand was prepared by the Department of the Interior, is somewhat more specific than the language of the House bill, and reflects the comments made by Assistant Secretary of the Interior John A. Carver, Jr., in his letter of May 2 to the chairman of the committee, Senator CHAVEZ.

The House language excludes from the bill public lands "administered by the Forest Service"; the amendment I have offered excludes public lands "reserved or dedicated for national forest purposes" and "lands acquired for national forest purposes." The amendment I have offered also excludes "Indian-owned trust and restricted lands" which, although legal title is in the United States, are not federally owned lands in the normal sense since the beneficial interest is in individual Indians or tribes. The House language excludes lands "within reservations formed from the public domain and other lands permanently or temporarily withdrawn from any or all forms of appropriation provided for in the public land laws"; the amendment I have offered excludes "lands administered or supervised by the Secretary of the Interior in accordance with the act of August 25, 1916, and lands acquired by the United States primarily for fish and wildlife purposes and administered by the Secretary of the Interior."

I have discussed this amendment with the senior Senator from Oklahoma [Mr. KERR], who worked in the committee with Senator Case on this matter, and he joins me in offering it. While this problem was being considered, I had filed objection with the minority calendar committee to passage of H.R. 8355 on the call of the calendar. I wish to announce for the information of interested Senators that I have no objection to the bill if the amendment Senator KERR and I have offered is accepted whenever H.R. 8355 may be called up.

I believe that the Forest Service, the Department of the Interior, and all who are interested in the effects of the bill are agreed that no problem is presented by the restoration of the substance of subsection 4(d). The bill should be enacted, and I hope that it may be called up, amended by including the language I have offered today, and passed.

The PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

REVENUE ACT OF 1962— AMENDMENTS

Mr. JAVITS submitted amendments, intended to be proposed by him, to the bill (H.R. 10650) to amend the Internal Revenue Code of 1954 to provide a credit for investment in certain depreciable property, to eliminate certain defects and inequities, and for other purposes, which

were ordered to lie on the table and to be printed.

Mr. McCARTHY submitted amendments, intended to be proposed by him, to House bill 10650, supra, which were ordered to lie on the table, and to be printed.

Mr. WILLIAMS of Delaware submitted an amendment, intended to be proposed by him to House bill 10650, supra, which was ordered to lie on the table and to be printed.

AMENDMENT OF PART 2 OF INTER- STATE COMMERCE ACT—CHANGE OF CONFeree

Mr. SMATHERS. Mr. President, I ask unanimous consent that the Senator from New Jersey [Mr. CASE] be excused as one of the conferees on the part of the Senate with respect to the bill (S. 320) to amend part 2 of the Interstate Commerce Act, and that the Senator from Maryland [Mr. BUTLER] be named in his place. The change is necessary because the Senator from New Jersey is no longer a member of the Committee on Commerce.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF RECEIPT OF NOMINA- TIONS BY COMMITTEE ON FOR- EIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nominations of the following-named persons to be representatives of the United States of America to the 17th session of the General Assembly of the United Nations: Adlai E. Stevenson, of Illinois; Francis T. P. Plimpton, of New York; Senator Albert A. Gore, of Tennessee; Senator Gordon Allott, of Colorado; and Arthur H. Dean, of New York; and the following-named persons to be alternate representatives of the United States to the 17th session of the General Assembly of the United Nations: Charles W. Yost, of New York; Philip M. Klutznick, of Illinois; Jonathan B. Bingham, of New York; Carl T. Rowan, of Minnesota; and Mrs. Marietta P. Tree, of New York.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

U.S. POLICIES IN MIDDLE EAST

Mr. KEATING. Mr. President, there is widespread concern throughout the country today over the direction being taken by U.S. policies in the Middle East. While Nasser, with German assistance, sets up his own rocket industry, the United States continues to maintain an embargo on arms to Israel. Still worse, U.S. foreign-aid policies seem calculated to appease and woo over the Arab nations while gradually restricting Israel's share.

The Senate will remember that when we had before us the foreign-aid bill I offered an amendment, which was

adopted, which was partially intended to clarify the intent of Congress on this point by making it clear that the Congress did not favor increased aid to countries which appeared simultaneously to be purchasing an arsenal of Soviet arms.

The amendment was accepted with widespread bipartisan support in both the Senate and House.

It is therefore highly disturbing to me, as I am sure it must also be to other Members of Congress, to read that the amendment has been described by Department of State sources as "vague" and "unrealistic" and as essentially only a sop to Jewish voters. That is not the kind of language we like to hear by the State Department, and I am sure it will be resented by Members of Congress. I have, therefore asked the Department of State and AID agencies for an authoritative clarification of their understanding of the amendment and the measures which they plan to take in enforcing it. Legislation passed with the full support of the Congress is not intended to be ignored or mocked by Department of State personnel, and I intend to investigate these reports very carefully.

Mr. President, I ask unanimous consent to include following my remarks in the RECORD the article I have referred to, written by Milton Friedman, which appeared in the August 24 Jewish Ledger.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAPITAL SPOTLIGHT (By Milton Friedman)

WASHINGTON.—The administration is finding it increasingly difficult to explain why it still refuses to provide any significant defensive arms to an anti-Communist nation, Israel, threatened by the rockets, missiles, and jets of a Soviet-armed "neutral"—Nasser's Egypt.

This issue is clearly destined for a crisis in coming months. Israel, it seems, is the only anti-Communist nation in the world experiencing such difficulty in obtaining American help to defend itself against Soviet-equipped and Soviet-trained enemies.

The United States provides military equipment to Jordan, Lebanon, and other Arab States. Russia supplies the rest of the Arabs. But if America helped arm Israel, the State Department says, it would constitute an arms race. The race is already on, with one side running unrestrained.

Any Latin American democracy can easily get American equipment by merely citing fears of Cuba. Yet Castro's forces have fewer Soviet jet bombers and fighters than Egypt. There are also more Soviet bloc military technicians and instructors in Egypt and more Egyptian officers being trained in the Soviet Union.

Nor has Castro been able to test-fire military rockets like Nasser has done.

Israel has been getting some equipment from France at tremendous expense. However, Soviet weapons of such ultramodern design are pouring into Egypt that French sources are inadequate.

State Department officials are praising the "new" Nasser for his alleged devotion to peace and progress. They ignore his open threats to "Algerianize" the Israel dispute, his bellicose display of military rocketry, his supersonic Soviet TU-16 jets and so forth. All this our officials view as merely propaganda show for domestic public opinion.

Accordingly, the State Department has recommended increased aid and loans to

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

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HIGHLIGHTS: Senate committee reported bills for revised apportionment of school lunch and extension work funds, expanded forestry research, land development program in Alaska, and cooperation with States in administration of agricultural laws. Senate debated public works acceleration bill. Sen. Tower commended Sen. Mundt's role in Estes investigation. Sen. Humphrey commended shipment of surplus food to Iran.

SENATE

1. THE AGRICULTURE AND FORESTRY COMMITTEE reported the following bills: p. 17722
H. R. 9728, without amendment, to amend the Cooperative Forest Management Act so as to increase the appropriation authorization from \$2.5 million to \$5 million (S. Rept. 2012).
H. R. 12688, with amendments, to authorize the Secretary of Agriculture to encourage and assist the States in carrying on a program of forestry research (S. Rept. 2013).
S. 3589, without amendment, to authorize the Secretary of Agriculture to acquire certain lands in Wright Co., Minn., and exchange them with Minn. for State-owned lands in the Superior National Forest (S. Rept. 2017).
S. 3475, without amendment, to provide further for cooperation with States in the administration and enforcement of certain laws relating to agriculture (S. Rept. 2018).
S. 2805, without amendment, to provide assistance for a program of agricultural land development in Alaska (S. Rept. 2014).

H. R. 11665, with amendments, to revise the formula for apportioning cash assistance funds among the States under the School Lunch Act (S. Rept. 2016).

H.R. 12589, without amendment, to revise the formula for the distribution of any additional Federal funds for agricultural extension work and to provide for quarterly (rather than annual) payments to States for extension work (S. Rept. 2015).

2. PUBLIC WORKS. Began consideration of the House amendments to S. 2965, the public works acceleration bill. pp. 17775-9, 17783-7
Sens. Cooper and Miller submitted amendments intended to be proposed to this bill, S. 2965. p. 17723, 17783-7
3. ESTES INVESTIGATION. Sen. Tower commended Sen. Mundt's role in the investigation of the Estes and other cases and inserted an article, "Mundt Sorts Good and Bad Guys." pp. 17729-30
4. FORESTRY. Sen. Yarborough urged greater use of public lands, including forest lands, for hunting, fishing, and other forms of recreation, and inserted an article, "Public Hunting in America." pp. 17757-60
Sen. Morse stated that "great savings can be achieved in school construction" through the use of wood and urged greater use of timber for this purpose pp. 17779-81
5. PERSONNEL. At the request of Sen. Russell, a Defense Department proposal to exempt certain Reserve officers of the Army or Air Force from the dual compensation restrictions of the Economy Act was rereferred from the Armed Services Committee to the Post Office and Civil Service Committee. p. 17723
6. FOREIGN AFFAIRS. Sen. Smith, Maine, inserted a thesis, "The United States Versus the Sino-Soviet Bloc in Latin America," including a discussion of economic aid and foreign trade programs. pp. 17723-9
7. ALASKA. Sen. Gruening inserted an article, "Alaska: Last Frontier," including a discussion of the natural resources of Alaska. pp. 17739-42
Sen. Gruening praised the Matanuska Valley in Alaska as "the backbone of the State's agricultural economy," and inserted an editorial, "They Tamed the Wilds to Make a Farmland." pp. 17796-7
8. MILITARY CONSTRUCTION APPROPRIATION BILL, 1963. Passed as reported this bill, H. R. 12870. Conferees were appointed. pp. 17760-72
9. LAND: Passed with amendment H. R. 8355, to authorize executive agencies to grant easements in, over, or upon real property of the U. S. under the control of such agencies. pp. 17774-5
10. TRANSPORTATION. Sen. Mundt criticized a strike by the Railway Telegraphers against the Chicago & North Western Railroad and inserted an article stating the strike was holding up grain shipments. pp. 17788-91
11. COPYRIGHTS. Passed without amendment H. J. Res. 627, extending the duration of copyright protection in certain cases. This bill will now be sent to the President. p. 17792
12. SURPLUS FOOD. Sen. Humphrey commended Government action to give surplus food to Iran following the recent earthquake disaster. pp. 17792-3
13. ELECTRIFICATION. Sen. Gruening urged Congressional approval of the Rampart Dam in Alaska and inserted an editorial, "Rampart: An Essential of the Moment." pp. 17797-8

and South America. A further arms buildup, certain to come as the months come and go, can quickly develop into an actual danger to us. A great part of our Nation is within firing distance of long range and even medium-range missiles. This threat and the blackmail effect of such a threat would be intolerable. The time to avoid this intolerable situation from developing is now. Any move in this direction must be halted now.

Let us carefully put together the details and plans of a firm policy to halt this buildup and to resist any further encroachment in this hemisphere. Let us make up our minds to follow this course, and give notice accordingly.

There is no time to waste. The time for action is now. There is no need to wait for time to call up Reserves. We have the strength and the power now to back up our decision to resist any further movement of arms and encroachments in this hemisphere. A firm and positive stand now will save us from even graver problems in the future.

These grave problems, I fear, are certain to come as the months and years come and go, unless we take this step.

The first step is to make clear to our enemies, to our friends, and to the neutrals alike, that we have made our decision, that we are firm in our determination, and that we actually mean business.

Mr. President, I wish to make it clear that I do not propose an invasion of Cuba now. I do not propose an immediate blockade. Those things, even if we were going to take such steps, could not be done at once, or overnight. They would have to be carefully planned. Efforts through diplomatic channels would have to be made first as to many of these steps I have advocated.

My point is that we must begin to definitely plan now, and we must announce definitely what we shall do, as soon as we can. We must be absolutely certain that our people have made up their minds and are prepared. I believe in that way, and in that way only, can we head off and avoid very dire consequences to ourselves in the years to come.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from New Mexico.

Mr. CHAVEZ. I appreciate the remarks made by the Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. CHAVEZ. I believe I know the problems in respect to Cuba and the problems in respect to Latin America as well as anyone in the State Department.

The people of Latin America are not in favor of conditions as they now exist in Cuba. I believe we should have this goal under the Alliance for Progress. Part of the whole idea is peace in Latin America, in addition to the other things which go with the Alliance for Progress.

But right or wrong, I am for my country. If it is necessary for America to take action against Cuba, I am for it.

Mr. STENNIS. I thank the Senator. I commend him for his remarks. They are very fine.

TITLE TO OR INTEREST IN CIVIL AIRCRAFT OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1956, Senate bill 2773.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2773) to amend section 503 of the Federal Aviation Act to provide substantive Federal law relating to the validity of conveyances which affect title to or interest in civil aircraft of the United States and related equipment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with amendments, on page 1, after the enacting clause, to insert:

That section 503(a) of the Federal Aviation Act of 1958 is amended by adding thereto the following new subsection:

"(4) Any tax lien arising under the internal revenue laws of the United States, the District of Columbia, any State of the United States or any political subdivision thereof, and the possessions of the United States, are specifically excluded from the recording provisions of this section."

On page 2, at the beginning of line 4, to insert "Sec. 2."; on page 3, after line 12, to insert a new section, as follows:

SEC. 3. That section 503(e), redesignated herein as section 503(f), of the Federal Aviation Act of 1958 is amended to read as follows:

"(f) Except as the Administrator may by regulation prescribe, no conveyance or other instrument shall be recorded unless it shall have been acknowledged before a notary public or other officer authorized by law of the United States, or of a State, or possession thereof, or the District of Columbia, to take acknowledgment of deeds."

At the beginning of line 22, to change the section number from "2" to "4"; and on page 4, at the beginning of line 1, to change the section number from "3" to "5", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 503(a) of the Federal Aviation Act of 1958 is amended by adding thereto the following new subsection:

"(4) Any tax lien arising under the internal revenue laws of the United States, the District of Columbia, any State of the United States or any political subdivision thereof, and the possessions of the United States, are specifically excluded from the recording provisions of this section."

SEC. 2. That section 503 of the Federal Aviation Act of 1958 is amended by relettering subsections "(e)", "(f)", "(g)" and "(h)" as subsections "(f)", "(g)", "(h)" and "(i)", respectively, and by adding thereto the following as subsection (e):

"(e) Any conveyance, lease, mortgage, equipment trust, contract of conditional sale, other instrument executed for security purposes, or assignment or amendment thereof or supplement thereto, which affects the title to, or any interest in, any aircraft, aircraft engine, propeller, appliance, or spare part referred to in subsection (a) of this section, which is valid as against the parties thereto to transfer or create the title or the interest which it purports to transfer or

create under the laws of that State, District or Columbia, territory, or possession of the United States in which such conveyance or other instrument is delivered, shall, upon the filing of such conveyance or other instrument for recordation pursuant to subsection (a) of this section, be valid throughout the United States, in respect of the title or interest so transferred or created, as against all creditors, subsequent purchasers, encumbrancers, or other persons, irrespective of the location of such aircraft, aircraft engine, propeller, appliance, or spare part and irrespective of the place of delivery pursuant to such conveyance or other instrument of such aircraft, aircraft engine, propeller, appliance, or spare part, except that any such conveyance or other instrument recorded pursuant to subsection (a) (3) of this section shall be effective only in accordance with the terms of subsection (d) of this section. Where the place of intended delivery of any such conveyance or other instrument filed for recordation pursuant to subsection (a) of this section is specified in such conveyance or other instrument, it shall constitute presumptive evidence that such conveyance or instrument was delivered at the place so specified."

SEC. 3. That section 503(e), redesignated herein as section 503(f), of the Federal Aviation Act of 1958 is amended to read as follows:

"(f) Except as the Administrator may by regulation prescribe, no conveyance or other instrument shall be recorded unless it shall have been acknowledged before a notary public or other officer authorized by law of the United States, or of a State, or possession thereof, or the District of Columbia, to take acknowledgment of deeds."

SEC. 4. Nothing contained in this Act shall be held or construed to take precedence over the applicable provisions of the Convention on the International Recognition of Rights in Aircraft (4. U.S.T. 1830).

SEC. 5. This Act shall not affect any conveyance or other instrument filed for recordation under section 503 of the Federal Aviation Act of 1958, as amended, before the effective date of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1995), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

ANALYSES AND NEED FOR LEGISLATION

The bill, with minor amendments, incorporates recommendations originally proposed by the Bar Association of the City of New York and is designed to facilitate identification of local laws governing validity of aircraft conveyances. More specifically, the bill would provide for the creation of a Federal substantive law relating to the validity of the instruments affecting title to, or interests in, U.S. civil aircraft and related equipment. These would include various instruments executed for security purposes such as conveyances, leases, mortgages, equipment trusts, conditional sales contracts, etc. Assignments, amendments, and supplements to such instruments would similarly be covered.

To determine the validity of an instrument, one would need only to look to the substantive law of the particular State in which the relevant instrument was delivered. If the instrument was valid under the law of that particular State and was recorded under the applicable provisions of the Federal Aviation Act of 1958, the instru-

ment would then be deemed valid in all jurisdictions of the United States.

The fact that the determination of the validity of aircraft conveyances involved extremely cumbersome and complex procedures was recognized by the Congress when it originally enacted the Civil Aeronautics Act of 1938. The Act contained a provision which provided for the establishment of a central national recording system for all instruments affecting title to or interest in civil aircraft of this country. This provision was incorporated in section 503 of the Federal Aviation Act of 1958 substantially without change. It continued the previously established recording system and provides that no conveyance or instrument affecting aircraft shall be valid until filed for recordation except as to parties to the instrument of persons with actual knowledge of its existence. Having filed the instrument for recordation under the law, all persons are deemed to have notice of its existence and its effect on title to the property covered thereby. Consequently, to determine whether there are any incumbrances on the aircraft, it is only necessary to consult the central file.

While existing law has assisted materially in facilitating the determination as to the validity of instruments, it does not establish the substantive validity of the instrument as proposed by this measure. Considerable doubt and confusion still exist in this field. The laws of the various States differ quite substantially with respect to the validity of various instruments. In attempting to resolve the issue as to which jurisdiction's laws should apply in determining such an instrument's validity, it is arguable that the law of one of three of the following jurisdictions is applicable: The jurisdiction in which the property is located; the jurisdiction in which the parties reside; or the jurisdiction in which the instrument was executed and delivered.

The needless complexities and difficulties in making such a determination were aptly described by Mr. Dee Martin Calligar representing the New York City Bar Association in testimony before your committee. Assume, for example, that the first theory cited above was applicable. In this regard Mr. Calligar stated:

"At the time a chattel mortgage, for example, is given to the financing institution by the air carrier, its aircraft may be located in or over any number of States * * *. At the moment the chattel mortgage on the air carrier's fleet of aircraft (many of which would be in the air) is executed the laws of many States would come into play, and a moment later the laws of different States would apply, notwithstanding any contradiction between the laws of such States. Moreover, there is no real logic in considering the law of State X paramount as to the validity of a chattel mortgage on a specific aircraft when the aircraft is at that moment traveling over the State at a speed in excess of 500 miles an hour and at a height in excess of 40,000 feet.

"At the present time, to be assured that a chattel mortgage on an air carrier's fleet is valid, the parties must know the number of States in or over which the property is located at the precise second the mortgage is executed and must have ascertained and complied with the laws of each of them."

Such unnecessary and costly procedures which one must now go through to determine the validity of aircraft conveyances would be remedied by this legislation. The bill selects, and your committee is convinced most logically, the place where the instrument is delivered. Consequently, a prospective purchaser would not only be able to readily ascertain whether encumbrances are recorded against any aircraft but would in addition be able to determine the validity of any instruments affecting the aircraft's title

simply by consulting the law of the place where such instruments were delivered. Similarly, parties to such instruments would need only to conform their instrument to the law at the place of intended delivery to insure their validity.

COMMITTEE AMENDMENTS

Your committee adopted two minor amendments. The first amends section 503 (e) of the Federal Aviation Act which requires that "no conveyance or other instrument shall be recorded unless it shall have been acknowledged before a notary public or other officer authorized by the law of the United States, or of a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgment of deeds."

Representatives of the Federal Aviation Agency testified that the requirement of this section was unnecessarily burdensome and directed to no useful end when applied to certain conveyances or instruments of title which do not normally depend for validity upon being acknowledged before a notary public to establish their authenticity. This would include various governmentally issued documents such as judicial decrees. Certified copies of these official records are presently admissible in the courts to determine private rights by virtue of rule 44 of the Federal Rules of Civil Procedure. Consequently, more stringent proof of authenticity would appear unnecessary. The representatives also testified that the Agency had received numerous complaints from various private citizens and Government officials to the effect that the procedure was cumbersome and unnecessary. The Agency, of course, was not in a position to remedy the situation since the procedure was specifically required by the act. Since no useful purpose is served by requiring inclusion of certain instruments under section 503(e), your committee amended this section so as to provide that it will be applicable to conveyances or instruments unless the Administrator, by regulation, prescribes otherwise.

The other amendment would exempt State, local, and Federal tax liens from the recording provisions of section 503 of the Federal Aviation Act by adding a new subsection (503(a)(4)). This would conform the law to common usage which has been dictated by practical necessity. Conflict between present law and common usage has as a consequence produced unnecessary confusion. Section 503(a) refers to the recordation of "conveyances." Section 101 of the act defines "conveyances" so as to include bills of sale, conditional sales contracts, mortgages and, in general, any other instrument affecting title to, or interest in, property." To comply strictly with the statute, the Administrator found it necessary to define the term "conveyance" to include liens. He did this on the theory that liens, although not specific alterations of title, nevertheless involved important charges on the property and from the standpoint of a purchaser, are in a real sense instruments "affecting title to, or interest in, property."

The problems in recording notices of tax liens prove particularly troublesome, since the Internal Revenue Code (26 U.S.C. 6321, 6323) provides that notices of Federal tax liens shall be filed with the U.S. district court, or the office provided by State law in the jurisdiction where the taxpayer's property is located. The Internal Revenue Service has long, as a matter of practice, only filed its notices of tax liens locally and not with the Federal Aviation Agency. Accordingly, a purchaser in examining the central filing system maintained by the Agency could easily be misled in assuming that the absence of tax lien notices in the Agency's file meant that no such lien existed.

To remedy this situation, two alternative solutions are presented: an amendment to

the Federal Aviation Act to exclude tax liens from the recording provisions or an amendment to the Internal Revenue Code requiring that Federal tax liens must be filed with the Federal Aviation Agency. Your committee is convinced that an amendment to the Federal Aviation Act is clearly the most practical and logical choice. A Federal tax lien is a general charge on all real and personal property of a delinquent taxpayer and does not describe specific property. Consequently the Internal Revenue Service would have no practical means of ascertaining which, of the many delinquent taxpayers, owned aircraft. It would have to either file every tax lien with the Agency or be required to make a most needless and time-consuming search of the Agency's aircraft registration records. In addition, since a lien is a charge on after-acquired property, effective operation of the recording system would require that all new applicants for aircraft registration certificates be checked against the current delinquent list in order that existing liens could be recorded against the newly acquired aircraft. There is also the possibility that in creating an exception for aircraft to the general scheme of tax enforcement, questions would be raised regarding the sufficiency of local notices of tax liens against other forms of property.

CONCLUSION

The sole purpose of the bill is directed toward the unnecessary ambiguity, complexity, and time-consuming procedures involved in determining the validity of aircraft conveyances. Passage of this measure will minimize these problems and greatly facilitate the ease by which aircraft can be financed. In supporting enactment of the bill, the Federal Aviation Agency stated:

"We believe S. 2773 has been carefully tailored to meet the precise problem presented, and we are in favor of its enactment. It will not interfere with our administration of the recording system and promises to increase the utility and effectiveness of that system."

Your committee fully agrees with the Agency and accordingly, urges favorable consideration of this bill.

GRANTING OF EASEMENTS UPON REAL PROPERTY OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1326, the bill H.R. 8355.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 8355) to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with an amendment on page 3, after line 17, to strike out:

(d) The term "real property of the United States" excludes the public lands (including minerals, vegetative, and other resources) in the United States, including lands within reservations formed from the public domain and other lands permanently or temporarily withdrawn from any or all forms of appropriation provided for in the public land laws, and including lands administered by the United States Forest Service.

Mr. COOPER. Mr. President, on behalf of the Senator from Oklahoma [Mr. KERR] and myself, I offer an amendment to the committee amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, beginning with line 18, through line 3 on page 4, in lieu of the matter proposed to be stricken by the committee amendment insert the following:

(d) The term "real property of the United States" excludes the public lands (including minerals, vegetative, and other resources) in the United States, including lands reserved or dedicated for national forest purposes, lands administered or supervised by the Secretary of the Interior in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, Indian-owned trust and restricted lands, and lands acquired by the United States primarily for fish and wildlife conservation purposes and administered by the Secretary of the Interior, lands withdrawn from the public domain primarily under the jurisdiction of the Secretary of the Interior, and lands acquired for national forest purposes.

Mr. METCALF. Mr. President, I have objected to the passage of the bill, which would give blanket authority to the secretaries of various agencies to pass across public lands, although, with our many millions of acres of public lands, I recognize the need for general authority to give a right-of-way to people in the more complex situations that we have today. I would still object to the bill if it were not for the amendment of the Senator from Kentucky, because it seems to me that Congress has a special trust relationship for the lands of national parks and the wildlife refuges which are administered by the Secretary of the Interior. We would be very much opposed to the bill if it were not for the amendment offered by the Senator from Kentucky. It is only because of my recognition of the need for greater flexibility and latitude in acquiring these rights-of-way across larger public lands that I reluctantly acquiesced to the bill with the amendment. But I am sure with my remarks the responsibilities of the secretaries will be carried out and the rights of the public protected.

Mr. COOPER. I appreciate the remarks of the Senator from Montana.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky to the committee amendment.

The amendment to the amendment was agreed to.

The committee amendment, as amended, was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 86) favoring the suspension of deportation

of certain aliens, which were, on page 3, strike out line 25, and insert "A-5782421, Sedwick, William Anton;"; on page 4, strike out line 6; on page 4, strike out line 12; on page 4, strike out line 15; on page 5, line 2, after "months", insert "pursuant to section 19(c) of the Act of February 5, 1917, as amended (8 U.S.C. 155(c))", and on page 5, after line 4, insert:

SEC. 4. The Congress approves the granting of the status of permanent residence in the case of each alien hereinafter named, in which case the Attorney General has determined that such alien is qualified under the provisions of section 6 of the Refugee Relief Act of 1953, as amended (67 Stat. 403, 68 Stat. 1044):

Mr. MANSFIELD. I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

THE NOMINATION OF THURGOOD MARSHALL

Mr. HART. Mr. President, earlier today announcement was made that the Committee on the Judiciary had acted favorably on the nomination of Judge Thurgood Marshall to be a judge of the Second Circuit Court of Appeals. I wonder whether the distinguished majority leader would indicate to those of us who are interested—and I assume that is the full membership of the Senate—what his schedule might be with respect to the nomination. I appreciate the fact that the formal report of the committee has not been received, but action was nonetheless taken this morning in committee.

Mr. MANSFIELD. I believe that the Judiciary Committee should have ample time to complete its reports, both majority and minority—and I assume there will be minority views filed. It is the hope of the leadership—and this is tentative—that we will be able to take up the nomination of Judge Thurgood Marshall for consideration and debate in the Senate by Tuesday next. I would say, however, that that is tentative, and I know that the Senator will allow the leadership a little leeway, but I hope that the leadership will be able to call it up by Tuesday next if the reports of the committee are ready by that time.

Mr. HART. I appreciate very much the expression of the majority leader. A great deal of the credit for the action is due the leadership. If circumstances develop which should set the matter back by a day or two after Tuesday, that will be understandable. The position taken by the leadership in support of the nomination I am sure was an important factor in the action of the committee.

Mr. MANSFIELD. I thank the Senator. The leadership on the other side was very cooperative.

Mr. KEATING. Mr. President, I wish to add one comment. It would have been well nigh impossible to approve the nomination had it not been for the help extended by the majority leader and the minority leader. I express my thanks to them.

STANDBY AUTHORITY TO ACCELERATE PUBLIC WORKS PROGRAMS OF FEDERAL, STATE, AND LOCAL PUBLIC BODIES

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2965) to provide standby authority to accelerate public works programs of the Federal Government and State, and local public bodies, which were, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Public Works Acceleration Act".

SEC. 2. (a) The Congress finds that (1) certain communities and areas in the Nation are presently burdened by substantial unemployment and underemployment and have failed to share fully in the economic gains of the recovery from the recession of 1960-1961 and (2) action by the Federal Government is necessary, both to provide immediate useful work for the unemployed and underemployed in these communities and to help these communities, through improvement of their facilities, to become more conducive to industrial development and better places in which to live and work. The Nation has a backlog of needed public projects, and an acceleration of these projects now will not only increase employment at a time when jobs are urgently required but will also meet longstanding public needs, improve community services, and enhance the health and welfare of citizens of the Nation.

(b) The Congress further finds that Federal assistance to stimulate public works investment in order to increase employment opportunities is most urgently needed in those areas, both urban and rural, which qualify as redevelopment areas because they suffer from persistent and chronic unemployment and economic underdevelopment, as well as in other areas which have suffered from substantial unemployment for a period of at least twelve months.

SEC. 3. (a) For the purposes of this section the term "eligible area" means—

(1) those areas which the Secretary of Labor designates each month as having been areas of substantial unemployment for at least nine of the preceding twelve months; and

(2) those areas which are designated by the Secretary of Commerce under subsections (a) and (b) of section 5 of the Area Redevelopment Act as "redevelopment areas".

(b) The President is authorized to initiate and accelerate in eligible areas those Federal public works projects which have been authorized by Congress, and those public works projects of States and local governments for which Federal financial assistance is authorized under provisions of law other than this Act, by allocating funds appropriated to carry out this section—

(1) to the heads of the departments, agencies, and instrumentalities of the Federal Government responsible for the construction of Federal public works projects, and

(2) to the heads of the departments, agencies, and instrumentalities of the Federal Government responsible for the administration of laws authorizing Federal financial assistance to public works projects of States and local governments.

(c) All grants-in-aid made from allocations made by the President under this section shall be made by the head of the department, agency, or instrumentality of the Federal Government administering the law authorizing such grants, and, except as otherwise provided in this subsection, shall be made in accordance with all of the provisions of such law except (1) provisions requiring allocation of funds among the States, and (2) limitations upon the total amount of such grants for any period. Not-

withstanding any provision of such law requiring the Federal contribution to the State or local government involved to be less than a fixed portion of the cost of a project, grants-in-aid may be made under authority of this section which bring the total of all Federal contributions to such project up to 50 per centum of the cost of such project, or up to 75 per centum of the cost of such project if the State or local government does not have economic and financial capacity to assume all of the additional financial obligations required.

(d) There is hereby authorized to be appropriated not to exceed \$900,000,000 to be allocated by the President in accordance with subsection (b) of this section, except that not less than \$300,000,000 shall be allocated for public works projects in areas designated by the Secretary of Commerce as redevelopment areas under subsection (b) of section 5 of the Area Redevelopment Act.

(e) The President shall prescribe rules, regulations, and procedures to carry out this section which will assure that adequate consideration is given to the relative needs of eligible areas. In prescribing such rules, regulations, and procedures the President shall consider among other relevant factors (1) the severity of the rates of unemployment in the eligible areas and the duration of such unemployment and (2) the income levels of families and the extent of underemployment in eligible areas.

(f) Funds allocated by the President under this section shall be available only for projects—

(1) which can be initiated or accelerated within a reasonably short period of time;

(2) which will meet an essential public need;

(3) a substantial portion of which can be completed within twelve months after initiation or acceleration;

(4) which will contribute significantly to the reduction of local unemployment;

(5) which are not inconsistent with locally approved comprehensive plans for the jurisdiction affected, wherever such plans exist.

(g) Not more than 10 per centum of all amounts allocated by the President under this section shall be made available for public works projects within any one State.

(h) The criteria to be used by the Secretary of Labor in determining areas of substantial unemployment for the purposes of paragraph (1) of subsection (a) of this section shall be the criteria established in section 6.3 of title 29 of the Code of Federal Regulations as in effect May 1, 1962.

SEC. 4. (a) No part of any allocation made by the President under this Act shall be made available during any fiscal year to any State or local government for any public works project, unless the proposed or planned total expenditure (exclusive of Federal funds) of such State or local government during such fiscal year for all its capital improvement projects is increased by an amount approximately equal to the non-Federal funds required to be made available for such public works project.

(b) No part of any allocation made by the President under this Act shall be made available for any planning or construction, directly or indirectly, of any school or other educational facility.

SEC. 5. (a) Paragraph (4) of subsection (b) of section 202 of the Housing Amendments of 1955 is amended by adding at the end thereof the following new sentence: "This paragraph shall not apply to any financial assistance to be extended under subsection (a) of this section for the purpose of financing any project for public works or facilities to be initiated or accelerated as the result of a grant-in-aid from an allocation made by the President under section 9 of the Public Works Acceleration Act."

(b) Section 202 of the Housing Amendments of 1955 is amended by adding at the end thereof the following new subsection:

"(e) The Administrator is authorized to make a grant-in-aid from any allocation made for such purpose by the President under section 9 of the Public Works Acceleration Act to any public entity described in clause (1) of subsection (a) of this section of not to exceed 50 per centum of the cost of construction of any project for public works or facilities, if such project would be eligible (without regard to the restrictions and limitations of subsections (b) and (c) of this section) for financial assistance under clause (1) of subsection (a) of this section in accordance with the rules and regulations of the Administrator (as in effect on the date of enactment of this subsection) relating to the types of public works and facilities to which such assistance may be extended."

SEC. 6. Section 702 of the Housing Act of 1954 is amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of this section no advance made under this section for the planning of any public works project shall be required to be repaid if construction of such project is initiated as a result of a grant-in-aid made from an allocation made by the President under the Public Works Acceleration Act."

And to amend the title so as to read: "An Act to provide authority to accelerate public works programs by the Federal Government and State and local bodies."

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. Does an amendment to amend the bill take precedence over the amendments which the Senator from Oklahoma has offered?

The PRESIDING OFFICER. The precedence of motions on the Senate bill amended by the House is in the following order:

First. Refer amendment to standing committee. That has been done.

Second. Amend the amendment.

Third. Agree to the amendment.

Fourth. Disagree and ask conference.

Mr. COOPER. I take it that an amendment is in order.

The PRESIDING OFFICER. The Senator is correct.

Mr. COOPER. I send the amendment to the desk.

The clerk will state the amendment offered by the Senator from Kentucky.

The LEGISLATIVE CLERK. On page 6, lines 12 and 19, strike out "section 9" and insert "section 3".

THE SITUATION IN CUBA

Mr. MANSFIELD. Mr. President, according to press reports, the Republican leadership contemplates introducing a "Formosa resolution," on Cuba. Formosa is 9,000 miles away. Cuba is 90 miles away. The problem in Formosa was to keep a remote area out of hostile hands. The problem in Cuba is that it is a neighborly land which has been in hostile hands since the years of the Eisenhower administration and which we need to try to get back among the good neighbors of the Western Hemisphere.

A resolution authorizing the President

to use armed forces against Cuba in present circumstances seems to imply a military attack—an aggressive act, a warlike act against the island, with American troops. What else can it imply? Thousands of Cubans would die in such an attack and untold numbers of Americans. Is that what is wanted? In the case of Formosa, the resolution had only defensive connotations. If a resolution on Cuba is going to be couched in the same framework as the Formosan resolution, if it is going to be "like a Formosa resolution," it would be necessary to say that Congress authorizes the President to use the Armed Forces to defend the United States against an attack by Cuba.

Does the Congress think the President needs to be reminded by congressional resolution to defend the United States against a military attack from Cuba?

Actually, a resolution by Congress was hardly necessary to authorize President Eisenhower to use Armed Forces to defend Formosa. The United States had legal responsibilities and commitments remaining from World War II. The President has constitutional power to command the Armed Forces. Many Members voted for the Formosa resolution because President Eisenhower appeared to be uncertain of the constitutional authority. Democrats were glad to give him the support he felt he needed.

President Kennedy is not uncertain of his responsibilities under the Constitution and has not asked Congress to uphold his hand. If he feels that need, there is no doubt that he will ask for a resolution, and I have no doubt that the Congress will give it to him.

A resolution of the Formosa type on the Cuba situation, however well intentioned, and I have no doubt this proposal is well intentioned, might serve to confuse the President's authority in the conduct of a most delicate aspect of our foreign relations which has ramifications far beyond Cuba—in all of Latin America, in Europe, and in Asia, and elsewhere as well.

If the Congress wishes to help in this situation and to make certain that it will not precipitate the loss of untold numbers of American lives in an invasion of Cuba, then, perhaps, the best thing it can do is to consider a resolution which will make no reference to the use of the Armed Forces which the President is already empowered to use under the Constitution to defend the United States and to carry out its legitimate obligations. Rather, if we do consider a resolution, it might be best to confine it to a condemnation of recent trends in Cuba and an expression of support for the President in this most difficult situation which he inherited when he took office and a proposal for a study of the situation by the Foreign Relations Committee as the able members of that committee see fit to study it with a view to bringing Cuba back into the inter-American system of friendly neighbors. A resolution along these lines would supplement the very able straightforward

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued Oct. 11, 1962
For actions of Oct. 10, 1962
87th-2d, No. 186

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HIGHLIGHTS: House rejected Senate USDA appropriation continuation measure. Sens. Russell and Morse criticized House action on USDA appropriation continuation measure. Sen. Proxmire opposed mandatory controls on feed grains. Sen. Humphrey commended administration farm program. Both Houses agreed to conference report on State-Justice-Commerce appropriation bill. House received conference report on roads bill.

HOUSE

1. **AGRICULTURAL APPROPRIATION BILL, 1963.** By a vote of 245 to 1, agreed to H. Res. 831, "That Senate Joint Resolution 234, making appropriations for the Department of Agriculture and the Farm Credit Administration for the fiscal year 1963, in the opinion of the House, contravenes the first clause of the seventh section of the first article of the Constitution and is an infringement of the privileges of this House, and that the said joint resolution be taken from the Speaker's table and be respectfully returned to the Senate with a message communicating this resolution." pp. 21785-7
2. **ROADS.** Received the conference report on H. R. 12135, the proposed Federal-Aid Highway Act of 1962 (H. Rept. 2549). This bill includes authorizations of \$33,000,000 for the fiscal year 1964 and \$33,000,000 for the fiscal year 1965 for forest highways, and for forest development roads and trails \$10,000,000 additional for 1963, \$70,000,000 for 1964, and \$85,000,000 for 1965.

pp. 21852-3, 21888

3. PUBLIC WORKS. Conferees were appointed on H. R. 13273, the omnibus rivers, harbors, and flood control bill. Senate conferees have not yet been appointed. Earlier agreed to a resolution to send this bill to conference. pp. 21787-802, 21803, 21888

Rep. Saylor criticized certain provisions of this bill as it passed the Senate. pp. 21824-5

4. STATE-JUSTICE-COMMERCE APPROPRIATION BILL, 1963. Both Houses agreed to the conference report on this bill, H. R. 12580, and acted on amendments in disagreement. This bill will now be sent to the President. This bill includes \$115,050,000 for the Area Redevelopment Administration, \$3,625,000 for export control, and \$32,000,000 for forest highways. pp. 21757-63, 21803-8

5. LANDS; EASEMENTS. Concurred in the Senate amendment to H. R. 8355, to authorize executive agencies to grant easements in, over, or upon real property of the U. S. under the control of such agencies. This bill will now be sent to the President. p. 21784

6. BUILDINGS; CONTRACTS. Rep. Bow objected to a unanimous consent request to send to conference H. R. 11880, to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, including agricultural attache housing. p. 21784

7. PAY BILL. Rep. Johansen criticized the passage of the pay bill. pp. 21802-3

8. TRANSPORTATION. Agreed to the conference report on H. R. 5700, to amend the Tariff Act of 1930 to permit contract carriers by motor vehicle to transport bonded merchandise. This bill will now be sent to the President. p. 21809

9. MINING. Began consideration of the conference report on S. 3451, to provide relief for residential occupants of unpatented mining claims upon which valuable improvements have been placed. pp. 21817-20

10. D. C. APPROPRIATION BILL, 1963. Received the conference report on this bill, H. R. 12276 (H. Rept. 2548). pp. 21851-2, 21888

11. ELECTRIFICATION. Rep. Pfof urged enactment of legislation to retain for the Northwest first call on Northwest power. pp. 21869-70

12. CRANBERRIES. Received from GAO a report on the review of the cranberry indemnity payment program administered by AMS. p. 21888

13. LEGISLATIVE ACCOMPLISHMENTS. Several Representatives inserted statements on the legislative record of the 87th Congress. pp. 21821-4, 21857-8, 21870-1, 21883-6

14. LEGISLATIVE PROGRAM. Rep. Albert announced that the conference reports on S. 3451, unpatented mining claims, H. R. 12276, the D.C. appropriation bill, and H. R. 12135, the highway bill, will be considered on Thurs. p. 21820

SENATE

15. FARM PROGRAM. Sen. Humphrey commended the administration's farm program, reviewed recent improvements in the farm economy, stated that "the agricultural economy of this Nation is in a decided upswing," and inserted a news release of this Department containing a statement of the National Agricultural Advisory

ance law which provides for a uniform benefit year beginning in May for cigarworkers in Hillsborough County (Tampa). This preserves and makes usable workers' wage credits prior to their layoff for a longer period of time.

Only three plants in the area use 100 percent Habana tobacco. The Secretary of Labor is keeping currently informed on the developments in this area and has taken steps to gather pertinent information to determine the magnitude of the problem and to accelerate the activity of the local public employment office in developing job opportunities for those individuals who may be affected by this action. Public employment officials in the Tampa area are also working with State and local government officials to develop plans to maintain employment stability in the industry and to provide job opportunities for unemployed workers.

Please call on us if we can be of any further assistance to you.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary.

The Honorable JOHN F. KENNEDY,
President of the United States,
The White House, Washington, D.C.:

Regarding \$60 million foodstuffs and medicine exchange as ransom for Cuban prisoners, which by all news reports is to include U.S.-owned, taxpayer-paid-for foodstuffs to make up the difference between volunteered funds and the \$62 million demanded, I strongly protest this or any expenditure of taxpayers' money through U.S.-owned foodstuffs for the ransom of Cuban prisoners as being contrary to the basic statement of policy by Congress calling for and authorizing specific action to rid this hemisphere of Castro and communism. In view of the strong public protest against the tractors-for-prisoners proposal, and in view of the downgrading of our prestige as the leading nation of the free nations of the world by thus admitting our participation in and backing of the Bay of Pigs invasion and our conciliatory attitude toward Castro and having introduced resolutions opposing both the tractors deal and the \$62 million ransom deal, I feel I must express my deep concern and shock over the secret negotiations that are even yet not fully revealed between the United States through a private citizen and Castro. In view of the restrictive language written into the mutual security bill instructing the withholding of aid to countries that do business (trade) with Castro and the House Cuban resolution calling for strong and affirmative action to get rid of Castro and the Communists, I am specifically requesting information as to what possible authority exists for the spending of any portion of the \$60 million by the Government of the United States in payment of ransom to the enemy Communist Fidel Castro and, further, even if such legal authority exists, which is unknown to me, how can the United States be put in the position of strengthening Castro and communism on the one hand by delivering shipments to Cuba of \$60 million worth of American substance, when calling on the other hand for all other countries to stop all other types of shipments to Cuba. How two-faced can our foreign policy objectives be? How inconsistent can our actions be? How confused the entire free world must be? Historically, the United States has never paid ransom or indemnity and this precedent will come to haunt the United States and the free world in the future. I am asking that this supersecret negotiation be called to a halt before irreparable damage to U.S. prestige is done. It is further inconceivable to me that, and I question the legality of, a private citizen, namely Mr. Donovan, would be allowed to negotiate with an enemy govern-

ment on behalf of the United States—with the Castro government—declared to be an enemy government by the Congress in its resolution and by the President in invoking the Trading With the Enemy Act to prevent the inshipment of Havana tobacco of recent date. Such negotiations are considered a violation of the spirit if not the letter of the Logan Act and it has been the general policy of Congress to oppose any trade with the enemy as set forth in the Trading With the Enemy Act. These basic policies for freedom and against communism are all being violated in my opinion in this abortive deal—and I strongly protest making Castro stronger, our anti-Communist efforts a laughing stock throughout the world, and the establishment of a policy of paying taxpayer money to Castro for indemnity and ransom inherent in this supersecret deal, kept secret purposely and negotiated by a private citizen. I specifically ask these questions:

1. What authority exists for anyone to negotiate for payment in U.S. Government-owned foodstuffs to Castro and the Communists?

2. How much in U.S.-owned foodstuffs and other things of value are being made available for this purpose?

3. What right does Donovan or any other private citizen have to negotiate with Castro and an enemy government?

4. If Donovan is negotiating on behalf of private citizens only, what right does he have under the Logan Act to do so—let alone a violation of recent policy statement of the Congress? Doesn't his visit to Cuba require Government approval?

5. If Donovan is negotiating in a manner that obligates the U.S. Government to make up the difference between contributions and the \$60 million demanded, is he doing so as an agent of the U.S. Government?

6. Why hasn't a full disclosure of all the facts been made before the deal is closed between Castro and Donovan?

WILLIAM C. CRAMER,
Member of Congress.

THE \$10 MILLION FISH BOWL

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, the attempt to justify the \$10 million glorified fish bowl in Washington, D.C., as a research center intrigues me and I might add it would be humorous if \$10 million was not involved.

Mr. Speaker, I shudder to think of the millions upon millions of dollars that are already being spent for research with respect to fish. As a matter of fact, the chairman of the House Committee on Merchant Marine and Fisheries, the gentleman from North Carolina [Mr. BONNER], recently obtained from the Department of the Interior a statement showing that some 79 projects are now being conducted in research on salmon alone. There are scores of others dealing with other species.

Yes, Mr. Speaker, the New Frontier now is; Ask not what the fish can do for you, but rather what you can do for the fish.

ASSOCIATION OF GREEK SHIPOWNERS HONORS RECOMMENDATION TO HALT SHIPPING TO CUBA

(Mr. ROGERS of Florida asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, word has just come that the Association of Greek Shipowners has decided to honor the recommendations of the Greek Government and halt shipping to Cuba. This decision stands as a signal victory in the current Cuban crisis.

In a firm and decisive statement, the Greek shipping association recommended "emphatically to its members that they abstain from all types of charter contracts for the transportation of goods to and from Cuba despite the repercussions this will have on Greek shipping in these difficult times."

Thus Greece joins the ranks of our most cooperative allies. Those other nations honoring U.S. requests for boycotting Cuba are West Germany, Turkey, and the Norwegian shippers.

Mr. Speaker, one of the most effective and immediate means of combatting communism in this hemisphere is to halt free world shipping to the island of Cuba. This would force the entire burden on the already strained Communist fleet, crimp the Cuban Communist pipeline, and make communism in this hemisphere untenable and impractical to support.

We salute our West German, Turkish, Norwegian, and Greek friends. But what of our friends the British?

(Mr. HAGAN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

[Mr. HAGAN of Georgia's remarks will appear hereafter in the Appendix.]

CHARITABLE SOLICITATIONS IN THE DISTRICT OF COLUMBIA

(Mr. DOWDY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. DOWDY. Mr. Speaker, the matter about which I shall speak has nothing to do with foreign affairs. However, a few days ago there was an article which appeared in the local press relating to the fact that under the District of Columbia Charitable Solicitation Act permission had been granted to a society of homosexuals to solicit charitable contributions in the District of Columbia.

Mr. Speaker, the Superintendent of Licenses and Permits said that his office had no authority to deny a solicitation permit under the law to these people.

Mr. Speaker, the acts of these people are banned under the laws of God, the laws of nature, and they are against the laws of man. I think a situation which requires them to be permitted a license to solicit charitable funds for the promotion of their deviations is a bad law.

Mr. Speaker, I have today introduced a bill to correct this situation. I trust that by the beginning of next year we will have sufficient reports from the various departments to effectively prevent this sort of action.

THE HONORABLE BRENT SPENCE

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PERKINS. Mr. Speaker, the State of Kentucky has been proud of many of its Representatives in Washington, including some of the country's greatest. Today we are facing the loss of our senior Congressman by voluntary retirement, to a rest which he has well earned by 32 years of service—including almost 16 years as chairman of the Banking and Currency Committee.

During that period of service, BRENT SPENCE has been the guiding hand in the development of legislation for housing programs that will remain a monument to his memory long after all of us have passed from this scene.

The gentleman from Kentucky, Congressman SPENCE, had become an institution in Kentucky. The only campaign he had to make was to file an application to have his name placed on the ballot and his reelection was assured. The people of Kentucky and especially northern Kentucky both loved and respected BRENT SPENCE.

Entering Congress 2 years before the beginning of the Roosevelt administration at an age when many of us are considering retirement, he became a staunch supporter of the fiscal and financial reforms sponsored by our great depression President and advanced to the chairmanship of the Banking and Currency Committee before the end of that long administration.

While his law practice began in the 19th century, he was one of those gifted individuals who was always able to look to the future, to lay the groundwork for the proper development of the America that few of us will see in the 21st century. Now, as the oldest Member of Congress, he can step aside for a well deserved rest without regrets because we are all sure that his job was well done.

His record here stamps him as one of the greatest of Kentucky's Congressmen, which includes such illustrious names as Henry Clay, Alben Barkley, Fred Vinson, and others too numerous to mention.

His splendid example remains as an inspiration to all of us.

GRANTING EASEMENTS ON REAL PROPERTY OF THE UNITED STATES

Mr. McFALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8355) to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 3, strike out all after line 17 over to and including line 2 on page 4 and insert:

"(d) The term 'real property of the United States' excludes the public lands (including minerals, vegetative, and other resources) in the United States, including lands reserved

or dedicated for national forest purposes, lands administered or supervised by the Secretary of the Interior in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, Indian-owned trust and restricted lands, and lands acquired by the United States primarily for fish and wildlife conservation purposes and administered by the Secretary of the Interior, lands withdrawn from the public domain primarily under the jurisdiction of the Secretary of the Interior, and lands acquired for national forest purposes."

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. CRAMER. Mr. Speaker, reserving the right to object, this bill was voted out of our committee unanimously. The Senate amendment is acceptable to the minority. It also takes out of the bill what little controversy there was concerning it. I ask the gentleman, is that not correct?

Mr. McFALL. That is correct; the gentleman has stated the fact. The bill would grant authority to the heads of the executive agencies having control over real property of the United States to grant easements for rights-of-way purposes. I believe it was passed on the Consent Calendar in the House. A public lands amendment was taken from the bill as it passed the House. The Senate has included the amendment which excludes public lands, the way the bill was originally introduced. I know of no opposition to or criticism of the bill as it stands now.

MORE ON \$60 MILLION TO CASTRO FOR PRISONERS

Mr. CRAMER. Mr. Speaker, further reserving the right to object—and I intend not to object—because of the limitation of the 1-minute rule earlier, I did not have the opportunity to comment on the remarks of my distinguished colleague, the gentleman from Florida [Mr. ROGERS]. I will say that it appears to me that if we are asking other nations to cut off trade with Cuba, we should set the example first and not negotiate directly or indirectly or permit negotiations by a private citizen to send \$60 million worth of foodstuffs to Cuba at the same time. I strongly oppose such action, I cannot understand this double-standard, this conciliatory attitude towards Cuba and I intend to discuss the matter in detail on my special order later today.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

TO AMEND THE FOREIGN SERVICE BUILDINGS ACT

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11880) to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes, with Senate amendments thereto, disagree to the

Senate amendments and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. BOW. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Wisconsin if he can advise the House whether the amendments of the Senate to the Foreign Service Buildings Act are germane to the legislation as it passed the House.

Mr. ZABLOCKI. They are not. As the gentleman knows, the Senate has added two bills as amendments; the equal pay bill and the bill providing for an additional Secretary of State.

Mr. BOW. That being the case, Mr. Speaker, I object.

Mr. Speaker, my objection was made with some regrets for I favor the bill as it applies to Foreign Service buildings. Furthermore, I favor the equal pay bill that was added as a Senate amendment, and I voted for that bill when it was considered as a separate measure in the House. While I am opposed to the additional Assistant Secretary of State that would be added by another Senate amendment, that is not the reason for my objection to considering this bill as it was returned from the other body.

Mr. Speaker, the rules of the House prohibit the consideration of amendments that are not germane to the measure being acted upon except by unanimous consent or, under certain circumstances, by a majority of two-thirds of the Members voting; and with one other important exception, that, under our rules, no point of order can be made against a Senate amendment regardless of how flagrantly it violates the rule of germaneness, nor is it necessary to have more than a simple majority to adopt such an amendment. This rule must be based on an overly generous application of the so-called rule of comity for it certainly is not in keeping with the other rules concerning germaneness.

The two Senate amendments to this Foreign Service buildings bill are not germane by any stretch of the imagination. I do not question the motivation behind these amendments, but regardless of the motivation I am strongly of the opinion that this is not the way this House should legislate. This measure is now a conglomerate of three bills no one of which is germane to either of the other two. I would have absolutely no objection to the consideration of each of them individually, and I would vote in favor of the passage of two as I have already indicated.

Mr. Speaker, I think the House rules, with regard to the consideration of Senate amendments that are not germane, are not logical or reasonable. At the beginning of the 88th Congress I intend to offer an amendment to the rules which will require that consideration of ungermane Senate amendments be only by unanimous consent or by a two-thirds majority vote as is required if such amendments originate in our own House. In the meantime I feel constrained to use such parliamentary means as are available to prevent amendments, such as those to H.R. 11880, coming before the House.



An Act

76 STAT. 1129.

To authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever a State or political subdivision or agency thereof or any person makes application for the grant of an easement in, over, or upon real property of the United States for a right-of-way or other purpose, the executive agency having control of such real property may grant to the applicant, on behalf of the United States, such easement as the head of such agency determines will not be adverse to the interests of the United States, subject to such reservations, exceptions, limitations, benefits, burdens, terms, or conditions, including those provided in section 2 hereof, as the head of the agency deems necessary to protect the interests of the United States. Such grant may be made without consideration, or with monetary or other consideration, including any interest in real property. In connection with the grant of such an easement, the executive agency concerned may relinquish to the State in which the affected real property is located such legislative jurisdiction as the executive agency deems necessary or desirable. Relinquishment of legislative jurisdiction under the authority of this Act may be accomplished by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof or by proceeding in such manner as the laws applicable to such State may provide.

Real property
of U. S.
Authority
to grant
easements.

SEC. 2. The instrument granting any such easement may provide for termination of the easement in whole or in part if there has been—

Conditions.

- (a) a failure to comply with any term or condition of the grant, or
- (b) a nonuse of the easement for a consecutive two-year period for the purpose for which granted, or
- (c) an abandonment of the easement.

If such a provision is included, it shall require that written notice of such termination shall be given to the grantee, or its successors or assigns. The termination shall be effective as of the date of such notice.

SEC. 3. The authority conferred by this Act shall be in addition to, and shall not affect or be subject to, any other law under which an executive agency may grant easements.

SEC. 4. As used in this Act—

Definitions.

(a) The term "State" means the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(b) The term "executive agency" means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

(c) The term "person" includes any corporation, partnership, firm, association, trust, estate, or other entity.

(d) The term "real property of the United States" excludes the public lands (including minerals, vegetative, and other resources) in the United States, including lands reserved or dedicated for national forest purposes, lands administered or supervised by the Secretary of the Interior in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, Indian-owned trust and restricted lands, and lands acquired by the United States primarily for fish and wildlife conservation purposes and administered by the Secretary of the Interior, lands withdrawn from the public domain primarily under the jurisdiction of the Secretary of the Interior, and lands acquired for national forest purposes.

Approved October 23, 1962.

16 USC 1 et seq.

76 STAT. 1129.

76 STAT. 1130.

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